

25 NOVEMBER 1947

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Of

EXHIBITS

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1 Tuesday, 25 November 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE SIR WILLIAM F.
14 WEBB, Member from the Commonwealth of Australia and
15 HONORABLE JUSTICE R. B. PAL, Member from India, not
16 sitting from 0930 to 1600.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 - - -

20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 Language Section, IMTFE.)
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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

- - -

I W A N E M A T S U I, an accused, resumed the
stand and testified through Japanese interpreters
as follows:

ACTING PRESIDENT: Before you proceed,
Brigadier, I have a question by a member of the
Court.

If you had no power to give orders relative
to the maintenance of discipline, please explain the
last sentence on page 9 of your affidavit, which I
will read to you:

"After entering Nanking on 17 December, I
heard about it for the first time, from the Com-
mander of the Kempei unit, and I, at once, ordered
every unit to investigate thoroughly and to punish
the guilty men."

How do you explain that statement?

THE WITNESS: I gathered -- by that passage
I meant to say that I gathered together my subord-
inate Commanders and commanding officers of the
various units and expressed to them my desires in
regard to the maintenance of discipline and ordered
them to take appropriate measures.

1 THE MONITOR: Instead of "subordinate Com-
2 manders," it should be "subordinate Army Commanders."

3 ACTING PRESIDENT: But, I thought you testi-
4 fied yesterday that you had no power to give orders.

5 THE WITNESS: At the time, being Area
6 Commander, I was given authority and power to unify
7 and control the strategy -- the joint strategy of
8 the two Armies.

9 THE MONITOR: "Area Commander" should be
10 substituted by "Area Army Commander."

11 THE WITNESS: (Continuing) Therefore, I
12 could not say that the maintenance of military dis-
13 cipline had no connection with military strategy,
14 and therefore, in so far as the two were inter-
15 connected, I thought that I did have the power to
16 interfere in matters relating to military discipline,
17 but in the strict legal sense I did not conceive
18 myself as having the power to give specific orders --
19 orders in detail with regard to the maintenance of
20 military discipline, and this remains my belief to
21 the present day.
22

23 ACTING PRESIDENT: Brigadier Nolan.

24 BRIGADIER NOLAN: If it please the Tribunal.

25 CROSS-EXAMINATION

BY BRIGADIER NOLAN (Continued):

1 Q On page 14 of your affidavit, General
2 MATSUI, you make reference to a meeting in Berlin
3 in 1929. At that time, you had just relinquished
4 your post as Chief of the Second Section of the
5 General Staff Headquarters. Am I right in saying
6 that the basic work of that section was with a
7 collection of information with respect to countries
8 other than China?

9 A Its duties were general observation.

10 THE MONITOR: Japanese court reporter.

11 No correction.

12 BRIGADIER NOLAN: Did he answer?

13 THE MONITOR: Yes, he did.

14 Mr. Reporter, will you please repeat the
15 answer as we interpreted it.

16 (Whereupon, the last answer was
17 read by the official court reporter.)

18 THE MONITOR: Rather, the witness just
19 merely said, "It is general observation." "Duties"
20 represents our interpretation.

21 Q And, you say that you made a trip, beginning
22 in January '29. What countries did you visit?

23 A Passing through French Indo-China, Siam,
24 Burma, and India, I went to Europe, and there, after
25 touring Italy, France, and other countries, passed

1 through Berlin in April.

2 Q And, who defrayed your traveling expenses?

3 A The General Staff.

4 Q Because, in fact, you were a member of the
5 General Staff at the time you made this trip, were
6 you not?

7 A I was attached to the General Staff.

8 Q And, you were on duty while you made this
9 tour.

10 A The duty of an officer attached to the
11 General Staff is that, as far as his position goes,
12 he is in the General Staff, but he has no special
13 duties there.

14 Q The duty -- I suggest that the duty of
15 an officer of the General Staff in the Japanese Army
16 is to be told what he is to do and to do it.

17 A That is so, but my trip to Europe was
18 authorized by the General Staff because I had just
19 completed a long tour of duty as -- a long tour of
20 duty in the General Staff, and it was partly as Chief
21 of the Second Section, and it was partly for the
22 purpose of recuperation, and also it was to enable
23 me to get a better idea of the world situation.
24
25

1 Q Now, when you visited Italy, France and
2 other European countries I suppose you saw the
3 Military Attaches in those countries?

4 A I did.

5 Q Then it was not necessary for you to get
6 together with them in Berlin for the purposes of
7 renewing friendship, was it?

8 A It was thought desirable that the Military
9 Attaches to the various missions in Europe should
10 have the opportunity of getting together after some
11 time without seeing each other and therefore the
12 Military Attache in Germany, Major-General OMURA, sent
13 invitations to all the other Military Attaches and
14 they all accepted.

15 Q Yes. And they knew that you were coming to
16 Berlin because you had told them when you would arrive.

17 A Yes.

18 Q And there were Military Attaches at this
19 meeting from Great Britain, Germany, France, Poland,
20 Russia, Austria, Turkey and Italy; is that correct?

21 A Yes.

22 Q And the accused HASHIMOTO was there, being
23 the Military Attache in Turkey at that time.
24

25 A Yes.

Q Was the accused SUZUKI there?

1 A It was not the defendant SUZUKI. The
2 Military Attache in Poland was a certain Colonel
3 SUZUKI, but it was a different SUZUKI.

4 Q Yes, I understand.

5 Now, at this meeting such matters as sabotage
6 and espionage against Russia were discussed, were
7 they not?

8 A No, no such things were discussed. Each
9 representative told of the situation in the country
10 in which he was stationed.

11 Q Yes. And what else was done at the meeting?

12 A After talking all day on various topics we
13 went to a restaurant for the evening and had a merry
14 time. That is about all.

15 Q In exhibit 733-A, being an excerpt from your
16 interrogation held on the 25th of April, 1946, you
17 were shown a copy of exhibit 732-A. And exhibit 732-A
18 is entitled "Items Concerning the U.S.S.R. Presented
19 at the Conference of Japanese Military Attaches in
20 Europe." Among the items mentioned in the document
21 are sabotage and espionage, and you made this state-
22 ment in your interrogation: "Having read the document
23 shown to me, I have come to the conclusion that the
24 notes were made by one of the persons who were present
25 at the Conference and apparently reflect correctly

1 the contents of some of the questions which were
2 considered at the Conference."

3 Do you wish to make any change in that
4 statement, because I observe in your affidavit you
5 refer to exhibit No. 733?

6 A I do not know what kind of document 733 is,
7 but during the course of my interrogations by the
8 Soviet authorities they presented me with a document
9 which was quite different from the one you described.

10 Q Well, I will present it to you again, if I
11 may. It is exhibit 732-A.

12 (Whereupon, a document was handed to
13 the witness.)

14 Q Now, General MATSUI, that is not quite
15 different from the document I have just described,
16 because it is the same document. Will you please look
17 at it?

18 A It is quite different. It is a completely
19 different document. The document which was shown to
20 me had on page 1 the names of the people, who and who
21 and who, and then the various items were itemized. And
22 it was a very short document.

23 Q Well, the various items are itemized here
24 and perhaps you will look at them and tell me whether
25 they represent the matters discussed at the meeting

1 in Berlin?

2 A We never specially discussed such problems
3 as written down here. First, to begin with, the
4 very title, "Items concerning the U.S.S.R., presented
5 at the Conference of Japanese Military Attaches in
6 Europe" is sheer nonsense.

7 Q Well, the accused HASHIMOTO at page 28,839
8 of the record stated that at this meeting to which
9 we are referring the topic of sabotage and espionage
10 against Russia came up. Is he wrong about that?

11 A I do recall, of course, that since Colonel
12 HASHIMOTO was Military Attache in Turkey he spoke of
13 the question of intelligence work vis-a-vis Russia.
14 Of course, I do not recall the contents of his talk
15 in detail at the present moment.

16 Q Did it deal with the question of sending White
17 Russian spies into the U.S.S.R.?

18 A I do recall that he spoke of utilizing the
19 White Russians who were in Turkey, but I do not recall
20 ever having discussed the question of specially sending
21 White Russians into Russia surreptitiously.
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1 Q Well, now, General MATSUI, you will agree with
2 me, won't you, that this meeting was for the purpose of
3 discussing what might be done by way of espionage and
4 sabotage against Russia?

5 A Well, the officers stationed in countries
6 neighboring Russia probably talked about Russia. The
7 attaches stationed in Italy talked about the
8 Mediterranean, and so on. Thus, each attache spoke of
9 the subjects he was most concerned with in the light of
10 his duty, and I do not recall the exact contents of our
11 entire conversations at this date.

12 BRIGADIER NOLAN: I will leave it at that.

13 Q At page 15, you say that you were a supreme
14 war councillor, General MATSUI. Am I right in saying
15 that you resigned in March 1935?

16 A I don't recall the exact date. I believe, how-
17 ever, that you are right.

18 Q Why did you resign?

19 A I resigned as supreme war councillor because
20 I was appointed commander of the Taiwan garrison force.

21 Q It wasn't because of any disagreement in
22 policy, was it?

23 A No, that had nothing to do with it.

24 Q Then, I observe that you were appointed a
25 cabinet advisor and that your opinion was never taken

1 up concerning China and Asiatic problems, and that you
2 never offered your own opinion.

3 Let me read to you what the accused KIDO says
4 about this position of the cabinet councillor in the
5 record at page 31,413:

6 "Q What is the duty, very briefly, of a cabinet
7 councillor?

8 "A I think according to the government regulations
9 concerning cabinet councillors their main function was
10 to serve as consultants to the Prime Minister in con-
11 nection with bringing about an early termination of the
12 China Incident.

13 "Q Was that cabinet councillor a special position,
14 created for that precise purpose?

15 "A Yes."

16 Now, how do you reconcile that statement of
17 the accused KIDO with your statement that you never
18 offered your opinion on any matter concerning China or
19 Asia?

20 A Well, the original reason for the setting up
21 of the system of cabinet councillors may be as is written
22 in the KIDO diary, but actually we were advisors only
23 in name, and although we gathered together once or
24 twice a week at the Prime Minister's official residence,
25 we did a lot of talking, but the talking never came to

1 anything more than that.

2 Q Perhaps it was a social meeting like the one
3 in Berlin; was it?

4 A It was not a social meeting; it was political.
5 I think it would be better to call it a political
6 gesture of the government at the time.

7 Q Now, on page 16 you proceed to discuss the
8 Greater Asia Association. Now, as the name would
9 imply, the basic purpose of that Association was to
10 create a Greater East Asia?

11 A Yes.

12 Q And the Asiatic countries included were China,
13 Indo-China, Siam, Dutch Indies, Philippines, Malaya,
14 Mongolia and Siberia; is that right?

15 A It was our intention that we include all the
16 so-called Asiatic peoples.

17 Q And those that I have mentioned to you would
18 be included in that class?

19 A Yes.

20 Q Now, what nationalities in the Soviet Union
21 did you consider Asiatic?

22 A I think that most of the peoples inhabiting
23 the Siberian regions are Asiatics.

24 Q And that would include the Mongolians?

25 A That goes without saying.

MATSUI

CROSS

1 Q The Burjats?

2 A Yes.

3 Q The Yakuta?

4 A Yes.

5 Q And the Tsukches? Now, were they included?

6 A I cannot -- I do not know this name, Tsukches.

7 Q Now, in order to enter into this Greater East
8 Asia which you were advocating, it would be necessary
9 for these countries to break away; for example, Siberia
10 and Mongolia would have to break away from Russia?

11 A My principle of Great Asia was not a principle
12 which called for the separation and independence of these
13 peoples from the country with which they happened to be
14 affiliated. We did not necessarily think it necessary
15 for the -- for instance, the Yakuts Republic to leave
16 the Soviet Union.

17 Correction: We thought it was quite all right
18 if the Yakuts, for instance, remained in the Soviet
19 Union or if India remained in the British Commonwealth.
20 What we aimed at was that all the peoples of Asia should
21 work together for the prosperity of Asia.

22 Q I suppose Manchuria would be an example of what
23 you are advocating now, would it?

24 A You could consider it that way.
25

1 Q Yes, and in the case of war with the USSR,
2 Manchuria would be a very valuable base of operation,
3 would it not?

4 A History has proved that in the case of a war
5 between Russia and Japan, Manchuria would be a base.

6 Q Now, I put it to you that the policy of your
7 Association was that these Asiatic countries and
8 peoples that I have named were to be brought into the
9 structure of Great East Asia, and if their entry could
10 not be brought about by peaceful negotiations, the
11 question would have to be settled by war.

12 A The basic principle underlying the Asia move-
13 ment in Asia was the same as that as the movement for
14 the federation of Europe which arose in Europe and of
15 the Pan-American movement in America.
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1 Q You were in China traveling in 1935 and 1936,
2 General MATSUI?

3 A Yes.

4 Q And you were preaching the gospel of this
5 association?

6 A Yes.

7 Q And subsequently you made tours of French
8 Indo-China and the southern regions, did you not?

9 A That was way afterwards, after the outbreak
10 of the Greater East Asia war.

11 Q And when did the Greater East Asia war break
12 out?

13 A 1941.

14 Q Were you in the Philippines?

15 A Yes.

16 Q In all these tours your effort was to convince
17 these peoples of the propriety of their entering the
18 structure of the Greater Asia Association?

19 A By that time, since we had established a
20 Great Asia League, I went around exhorting the
21 peoples of the countries of Great Asia to cooperate
22 with the Great Asia League, but at the same time I
23 had many friends in the south asiatic countries --
24 in French Indo-China, Siam, and the Philippines.
25 Former President Laurel, of the Philippine Republic,

1 and Professor Duran also had expressed their sympathy
2 for Asianism several years before, and I had often
3 met with them in Tokyo and talked with them on this
4 point.

5 Q To clear my own mind: When was the League
6 established -- the date?

7 A I don't recall the date. The Japanese
8 Government assembled the representatives of the coun-
9 tries of Great Asia and held a conference in Tokyo.

10 Q You say in your affidavit it was at the time
11 of the first KONOYE Cabinet. Is that correct or was
12 it the second KONOYE Cabinet?

13 A I believe you are confusing the various so-
14 cieties with which I was connected at one time or
15 another, namely, the Asia Association, the Asia
16 Development League, and the Dai Nippon Asia Develop-
17 ment League. These various societies did have the
18 same principles of Asianism, but, depending upon the
19 international circumstances of the time and of the
20 internal political structure of Japan, they were
21 established at different dates.

22 THE MONITOR: Japanese court reporter.

23 (Whereupon, the Japanese court
24 reporter read.)

25 THE INTERPRETER: Correction: I believe you

1 had been confusing the three societies with which I
2 have been concerned: the Asia Association, the Asia
3 Development League, and the Great Japan Asia Develop-
4 ment League. These various societies had principles
5 in common. They all advocated Asianism, but their
6 form and structure differed from time to time accord-
7 ing to the changing international circumstances and
8 the changing internal structure of Japan.

9 THE MONITOR: The Internal Political situa-
10 tion in Japan.

11 Q I am not confusing anything. I asked you a
12 simple question: "When was the Dai Nippon Development
13 League established?"

14 A I think that was during the first KONOYE
15 Cabinet.

16 Q All right.

17 Now, you state in your affidavit, on page 19,
18 that the organization, and I take it you are talking
19 about the Dai Nippon Asia Development Association,
20 published an organ. Was that the Dai Asia Shimbun?

21 A It was not a newspaper; it was a magazine.

22 Q What was the name of it?

23 A The Dai Asia Association published the Dai
24 Asia Shugi, or The Principle of Great Asia. After
25 the Asia Development League was established, the name

1 of the magazine became Dai Asia, or Great Asia, I
2 think.

3 Q Now I show you a copy of that magazine for
4 the month of January, 1941. That is the Dai Asia
5 Shugi. Will you look at the article on page 2 of
6 that magazine? Did you read it?

7 A Yes.

8 BRIGADIER NOLAN: I offer for identifica-
9 tion, if the Tribunal pleases, the magazine Dai Asia
10 Shugi for January, 1941.

11 CLERK OF THE COURT: The magazine called
12 Dai Asia Shugi for the month of January, 1941, will
13 receive exhibit No. 3499 for identification only.

14 (Whereupon, the magazine above
15 referred was marked prosecution exhibit 3499
16 for identification.)

17 BRIGADIER NOLAN: And I offer in evidence
18 the article written by the accused MATSUI appearing
19 at page 2 of that January issue, 1941.

20 ACTING PRESIDENT: It will be admitted in
21 evidence.

22 CLERK OF THE COURT: Defense document 2396,
23 being an excerpt from the Dai Asia Shugi for the month
24 of January, 1941, will receive exhibit No. 3499-A.

25 (Whereupon, the document above

MATSUI

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33,899

1 referred to was marked prosecution exhibit
2 3499-A and received in evidence.)
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1 BRIGADIER NOLAN: With the permission of the
2 Tribunal I will read exhibit 3499-A. It is entitled
3 a "Proposal for unification and rapid progress of
4 various organizations for development of Asia by
5 MATSUI, Iwane.

6 "The year 2600 of the Imperial Japanese Era
7 brought faith in Imperial history and awakened the
8 whole nation together with the determination to face
9 the present world situation. Also the conclusion of
10 the Tripartite Pact between Japan, Germany and Italy
11 and the recognition by the Nanking Kuomintang Govern-
12 ment have forced them irresistibly to go on the road
13 to construct a New Order in Asia against a long
14 dominance of Great Britain, America and France in
15 Asia. Therefore, the reconstruction of the various
16 internal organs is urgently necessary in order to
17 meet this serious situation together with the estab-
18 lishment of a so-called new structure in politics,
19 economics and in various other spheres.

20 "Now, we have welcomed the 2601th year with
21 great pride and pleasure in living in this sacred age
22 of Showa to promote the building of Greater Asia with
23 such resolution and structure. However, we cannot
24 but consider the determination and conviction of the
25 people both in and out of power quite insufficient.

1 Why do I say so? We must first glance at the recent
2 administration of the national policy by the Govern-
3 ment. The Tripartite Pact has already been concluded
4 in accordance with the declaration made at the time of
5 the formation of the KONOYE Cabinet and the great
6 Imperial Rescript was issued to urge the people to
7 make up their mind. But we feel that since then the
8 Government has been too scrupulous in carrying out
9 the foreign policy without firm faith to resolutely
10 execute the national policy. Moreover, many politicians
11 in and out of power and learned people have not, to
12 our regret, come up to our expectation in their en-
13 thusiasm in this respect. Therefore, though the people
14 at large are out of the so-called 'Obedient to the
15 Imperial Rescript' principle and hoping for an epoch-
16 making decisive step to be taken by the Government,
17 they are, to say the truth, doubtful of the attitude
18 of the Government, which is so slow to carry out its
19 policy. Internal situation such as this is naturally
20 reflected on the foreign countries, east and west,
21 and it is regrettable that not only many Asiatic
22 countries headed by China, but also several European
23 powers are of late, beginning to make light of our
24 determination and foothold.
25

"Hereupon, out of my dissatisfaction in the

present situation I urge the political thought,
1 cultural, and other bodies for the development of
2 Asia to rise up. The wise and the learned people as
3 well as energetic young men belonging to these bodies
4 are certainly willing, I believe, to carry out these
5 measures. Furthermore, the conviction and enthusiasm
6 of these apostles of the Asiatic revival with years
7 of culture and researches will, I am sure, be a sole
8 guiding power for carrying out the national policy,
9 which had been hindered by the circumstances and
10 interests of this complicated phase of life. I now
11 propose the unification of these Asia revival bodies
12 with a view of their cooperation. Though these bodies
13 have different objectives and their nature, politic-
14 ally and economically, are different as are their
15 histories and organizations, their chief aims are of
16 course the unification and rehabilitation of the
17 Asiatic races. Yet, up to the present, as their
18 thoughts and standpoints differed, they have not been
19 the same at least in their measures and expectation.
20 To the contrary, these bodies are acting independently
21 as they please, far from answering the requirement
22 of the so-called 'present New Structure of Society.'
23 Moreover, such different organizations of these very
24 bodies have disturbed the people's faith and ideal in
25

1 the Asiatic Revival Policy, unable to meet the
2 present situation where national solidarity is
3 cried. Such being the case, recently we have
4 organized the League of the Asiatic Development
5 Bodies, exerting efforts for more than a year to
6 unite all these bodies but with a regrettable result
7 at present. Therefore, we want to take a drastic
8 measure to unite and adjust all these bodies into
9 one organization and to control and guide it by a
10 uniform thought and faith together with starting a
11 new collective activity by concentrating the hitherto
12 separate and duplicated efforts of all these bodies.
13 We hope also to correct and guide the concept of the
14 Asiatic Revival maintained by the people in and out
15 of the Government to unify and lead their ideals on
16 the right path. Thus, what this organization aims at
17 must, of course, harmonize with the Government's
18 policy and sometimes it will advise and encourage them
19 to assist their Asiatic Revival policy with all its
20 might. Furthermore, its ambition is to become the
21 nucleus of the nation's cultural idea of Asiatic
22 Revival at home and abroad and to start an enlighten-
23 ment movement for the nations, east and west, with a
24 view to join the movement of the Imperial Rule
25 Assistance started by the Asiatic Revival organizations.

1 "In spite of many Asiatic Revival bodies
2 established in the country, several new ones are now
3 being organized as a natural expression of dissatis-
4 faction with the old ones. Therefore, some measure to
5 control them is urgent. Although these old bodies
6 have, of course, respective histories and special
7 circumstances, their unification will not be difficult
8 if treated with laws and it will not be so hard for it
9 to continue the work and aims of the old ones under
10 the consistent control. In short, in controlling, we
11 must depend upon the effectiveness of each person and
12 organization. Earnestly, we desire all the members of
13 the various bodies to agree with us, and the authori-
14 ties of the China Affairs Board (KOAIN), who are
15 naturally central figures of this movement being al-
16 ready leaders of the League, to contemplate over this
17 matter.

18 "As indicated above, here we suggest the
19 unification of all the Asiatic Revival Bodies. We
20 desire all the conscious apostles for the cause of
21 Asiatic Revival to rise and cooperate with one another
22 to guide the people. After all, the present situation
23 has become clear in its destination and does not allow
24 us to hesitate. If we are constrained and over-
25 cautious to act now, we shall entangle the situation

1 "In spite of many Asiatic Revival bodies
2 established in the country, several new ones are now
3 being organized as a natural expression of dissatis-
4 faction with the old ones. Therefore, some measure to
5 control them is urgent. Although these old bodies
6 have, of course, respective histories and special
7 circumstances, their unification will not be difficult
8 if treated with laws and it will not be so hard for it
9 to continue the work and aims of the old ones under
10 the consistent control. In short, in controlling, we
11 must depend upon the effectiveness of each person and
12 organization. Earnestly, we desire all the members of
13 the various bodies to agree with us, and the authori-
14 ties of the China Affairs Board (KOAIN), who are
15 naturally central figures of this movement being al-
16 ready leaders of the League, to contemplate over this
17 matter.

18 "As indicated above, here we suggest the
19 unification of all the Asiatic Revival Bodies. We
20 desire all the conscious apostles for the cause of
21 Asiatic Revival to rise and cooperate with one another
22 to guide the people. After all, the present situation
23 has become clear in its destination and does not allow
24 us to hesitate. If we are constrained and over-
25 cautious to act now, we shall entangle the situation

1 thus misleading the country at the crossroads of life
2 or death. It is, of course, necessary to listen to
3 the voice of the nation for those who want to guide
4 the national policy with sincerity and good faith.
5 However, we cannot approve very much of shirking
6 responsibility under such a pretext or following an
7 easy-going course, especially now when the decision
8 of our national politics depends entirely upon the
9 determination to put our national policy towards
10 Greater Asia into effect. I feel most deeply our
11 responsibility as apostles of the Asiatic Revival
12 under the present situation, and this is the reason
13 why I appeal to our comrades to rise at once."

14 BY BRIGADIER BOWEN (Continued):

15 Q Now, General MATSUI, I want to ask you just
16 one or two questions about this article. In what way
17 was the government too scrupulous in carrying out its
18 foreign policy?

19 A At the time, hostilities between Japan and
20 China were in progress, and, therefore, some of the
21 government's policies towards Asia as a whole were
22 imbued with a strong Asianistic spirit. But, on the
23 other hand, in view of the situation within Japan,
24 especially in view of the economic situation of our
25 country, there were many people who tried to think in

1 terms that were as negative as possible. Hemmed in
2 between these two extremes the government's policies
3 were very vascillating, and I felt strongly at the
4 time that the government's policies were too weak
5 and dilly-dallying.

6 Q Now, the Tri-Partite Pact had been signed;
7 there had been a move into Indo-China. What did you
8 want the government to do?

9 A My movement was mainly cultural and ideolog-
10 ical, and I had no idea of advocating a policy to-
11 wards the Asiatic countries of force or of intention-
12 ally setting up ourselves against the European and
13 American nations. But, at the same time, in view of
14 the international situation then prevailing and of
15 Japan's national strength as compared to this inter-
16 national situation, I felt that we should not just sit
17 idly by, that we should not take a negative attitude.
18 As an example, I will tell you that my ideas were
19 quite different from those of the Indian leader, Gandhi,
20 and his Swaraj movement which was a negative movement
21 based on the principle of the Hindu religion. The
22 fundamental spirit which animated me was the spirit
23 of the foundation of the Japanese Empire, the spirit
24 of Bushido or the way of the warrior, and the spirit
25 of the doctrines of Buddhism of which I was an earnest

1 advocate, and I felt that even if Japan were to throw
2 herself away -- if all Japan were to be offered up as
3 a sacrifice, she should give up herself for the sake
4 of Asia.

5 Correction: Even if I, myself, gave myself
6 up as a sacrifice, I would give up my life for the
7 sake of the welfare and reconstruction of the Asiatic
8 people; and, even if all Japan was to be sacrificed,
9 she should give herself up for the sake of Asia.

10 THE MONITOR: In the spirit of the old saying
11 which goes something like this: that is, in order to
12 do a good deed, one may sacrifice his own life.

13 ACTING PRESIDENT: We will recess for fifteen
14 minutes.

15 (Whereupon, at 1045, a recess was
16 taken until 1100, after which the proceed-
17 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Brigadier Nolan.

4 BRIGADIER NOLAN: May it please the Tribunal,
5 I have only one or two matters to take up which will
6 not occupy very much time.

7 BY BRIGADIER NOLAN (Continued):

8 Q General MATSUI, on page 20 of your affidavit,
9 the English version, you make reference to the Ladybird
10 incident. Now yesterday you took some trouble to tell
11 us that you were responsible for all operational matters.
12 I suggest to you that the bombardment of a British gun-
13 boat, the Ladybird, comes within this classification.

14 A I also think so.

15 Q Then you were responsible for the bombardment
16 of that gunboat, were you?

17 A I take full responsibility without hesitation.

18 Q Now, I notice that you ordered the commander
19 of the 10th Army to tender his apology to the British
20 naval commander-in-chief, and I also observe that you
21 take no responsibility for the bombing of the Panay.
22 Why did you go to see Admiral Yarnell about that incident?
23 Was it not the proper function of the naval commander,
24 Japanese, to go to the U.S. Navy commander?

25 A The main purpose of my request for an interview

1 with Admiral Yarnell was discussion on American rights
2 and interests in the Shanghai area.

3 THE MONITOR: Shanghai-Nanking area.

4 A (Continuing) And even though it was the Navy
5 that was responsible for the bombing of the ship, it
6 was -- the Panay was a ship belonging to the American
7 Navy and as I was directing joint army-navy operations
8 in that district I felt that, although it wasn't my
9 direct responsibility, it was in accordance with Bushido
10 to express at least a word of regret to Admiral Yarnell.

11 Q As a matter of fact, the naval units were under
12 your operational command, were they not?

13 A No, not so. They were entirely independent.
14 They were under the control of the Navy.

15 Q Who issued the operation orders which were
16 followed and carried out by those naval units?

17 A It was the then Vice Admiral HASEGAWA who was
18 then Commander of the Japanese Fleet in Chinese Waters.

19 Q And was he under your command for operational
20 purposes?

21 A No, not at all. He was independent.

22 Q Then how could you direct joint operations
23 without the Navy being under your operational control?

24 A In order to carry out joint operations with the
25 Navy, which was independent, we acted in cooperation

with each other.

1 Q Now at page 21, at the bottom, you speak of
2 a contribution of 10,000 yen to a Reverend Jackinough
3 in Shanghai. Where did the money come from?

4 A Well, 10,000 yen is such a small sum that I
5 was really quite ashamed, but since I did not possess
6 even that amount I used the money of the -- the official
7 funds of my headquarters.

8 Q Now in 1941 -- and this is the last topic I
9 want to discuss -- what was your attitude towards the
10 then negotiations with America?

11 A During the period when I was fighting in the
12 Shanghai-Nanking area against the Chinese the attitude
13 of the American officials was more or less neutral
14 and they did not, comparatively speaking, they did not
15 find much to criticize me. Correction: I could find
16 nothing criticizable in their attitude. And, therefore,
17 when I met Admiral Yarnell I told him that in the future
18 whatever incidents may break out in Shanghai and else-
19 where or in the Pacific we men in the fighting service
20 of Japan and America should cooperate with each other in
21 maintaining peace in the Pacific Area, and to this
22 sentiment of mine Admiral Yarnell fully agreed.

23 Q And was that your sentiment in 1941?

24 A No, that was my sentiment which I expressed
25

in 1938.

1 Q Well, what about 1941?

2 A I will have to go back slightly to explain this
3 point. In China, as I have just told you, I held such
4 sentiments towards America in 1938 -- correction: at
5 that time. But in January 1938 the President of the
6 United States made a speech in the course of which he
7 mentioned Japan's attitude towards Asia and actions in
8 Asia in language with which I found it difficult to
9 agree. I expressed at the time my dissatisfaction with
10 those statements to a correspondent of the New York
11 Times in Shanghai.
12

13 Q All I want you to tell me, General MATSUI, is
14 were you in favor of carrying on negotiations with the
15 United States in the year 1941.

16 A Of course it was my earnest desire that pending
17 issues between Japan and the United States be settled
18 through peaceful negotiations. But to tell you frankly
19 of what I thought of the situation at the time, I felt
20 that a Japan-American war had already broken out. It
21 was almost as if a war had already begun.

22 Q Now, you wrote an article in the July issue
23 of the Dai Asia Shugi in 1941. I will show you the
24 magazine. If you will please show the witness 2397.
25

(Whereupon, a document was handed to the

1 witness.)

2 Q (Continuing) At page 10, General MATSUI. You
3 wrote that article, didn't you?

4 A Yes.

5 BRIGADIER NOLAN: I offer for identification
6 the magazine Dai Asia Shugi for the month of July 1941.

7 CLERK OF THE COURT: The Dai Asia Shugi for
8 the month of July 1941 will receive exhibit No. 3500
9 for identification only.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 3500 for identification.)

13 BRIGADIER NOLAN: And I offer in evidence the
14 article appearing in that number of that magazine at
15 page 10.

16 ACTING PRESIDENT: It will be admitted.

17 CLERK OF THE COURT: Prosecution document 2397,
18 being an excerpt from the Dai Asia Shugi for July 1941,
19 will receive exhibit No. 3500-A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 3500-A and received in evidence.)

23 BRIGADIER NOLAN: With the permission of the
24 Tribunal, I will read the exhibit. It is entitled
25 "The Settlement of the China Incident and the Problem

of the United States.

1 "I. A lukewarm argument for a compromise with the
2 United States is being put out from a certain quarter.
3 It is certainly difficult to comprehend when I hear that
4 today when the hostile feeling of the United States is
5 so acute, compromise with that country is being taken
6 up seriously even if it may be only in one quarter.
7 When a compromise with the United States is advocated
8 from one quarter, its influence at once extends to
9 Chungking, Nanking, Thailand, French Indo-China and
10 the Netherlands East Indies, and casts a gloomy shadow
11 upon our national policy. The reason why the Netherlands
12 East Indies suddenly took a firm attitude and the
13 Japanese-Netherlands Parley is on the brink of a break-
14 down, is solely due to the fact that the Netherlands
15 East Indies received the impression that Japan would
16 submit to the United States. The strengthening of the
17 war attitude by Chungking, the wavering of French Indo-
18 China, the uneasiness of Nanking, are all truly the
19 effect brought about by the lukewarm argument for a
20 Japanese-American compromise.
21

22 "In order to complete the Holy War, strengthen
23 the peoples' spiritual unit and make the Asiatic races
24 trustingly place their confidence in Japan, it is neces-
25 sary first of all to sweep away such a servile argument
for a compromise with the United States.

1 "II. The basis of the argument for a com-
2 promise with the United States seems to lie mostly
3 in the idea that by compromising with the United States
4 it would be possible to stop the aid to Chungking,
5 make them cooperate in the development of the Nanking
6 Regime, obtain American loans, and at the same time,
7 through American cooperation secure natural resources
8 in the Southern regions. However, this is a fantastic
9 mistake. In the same manner that America considers
10 England her first line of defense, she also considers
11 Chungking and Batavia her first line of defense.

12 "Therefore, from the start, there is no reason
13 for America seriously to consider a compromise with
14 Japan. If such a hint were dropped to someone, that
15 is a plan of the American authorities. America wants
16 to divert the fleet at Hawaii to the Atlantic Ocean
17 and enter the war, but if she does this, the Treaty
18 of the Tripartite Alliance will make itself felt.
19 The United States has neither the preparation nor
20 the power to wage a two-front operation. She wants
21 to somehow skillfully hold Japan down for awhile by
22 utilizing the groups in Japan advocating the status
23 quo, the pro-Anglo-American groups, and the groups
24 advocating dependency on the U.S. and Britain. She
25 wants to deceive Japan skillfully and prolong matters

1 without taking a definite step, and in the meantime
2 make full war preparations. This is their true inten-
3 tion. If we are fooled by such a trick it would be
4 disastrous. Needless to say, we will fall from a posi-
5 tion of certain victory to that of certain defeat.

6 "We absolutely must not come to a compromise
7 with the U.S. when things are what they are at this
8 time. If we do such a thing, the significance of the
9 China Incident will be lost. The significance of the
10 War for the construction of the New Order which aims
11 at the ideal of one family of Asiatic Nations, rehabil-
12 itation of Asia, and the liberation of Asia, will come
13 to nought. Not only that, but it will violate the
14 spirit of the Tripartite Alliance for which an Imper-
15 ial Rescript has already been promulgated. It would
16 become a retrogression of Japan's world policy. The
17 spirit of the Tripartite Alliance is the important
18 thing, rather than the wording. Its spirit enables
19 each nation to have its rightful place in the world.
20 Germany in Europe, and Japan in Asia, are both respec-
21 tively fighting the war for the establishment of a
22 New Order. How can we violate this lofty aim and inter-
23 national faith for the purpose of a momentary profit.

24 "As for Japan, she has work which must be
25 performed regardless of America's attitude. They are

1 the cutting of the route of aid to Chiang Kai-shek,
2 the elimination of enemy nations together with aid
3 to cooperating nations, and the strengthening of the
4 Tripartite Axis.

5 "The first is the economic development of China
6 in accordance with the Joint Declaration of Japan,
7 Manchukuo and China; joint national defense; and the
8 exchange of culture.

9 "The second is the economic development in
10 accordance with the economic agreement with French
11 Indo-China; and joint national defense.

12 "The third is the strengthening of friendly
13 relations with Thailand; and positive cooperation to
14 fulfillment of her /TN: Thailand's/ wish to recover
15 her lost territories.

16 "Persistency is a disease. If one is per-
17 sistent in the idea of wanting to somehow settle the
18 China Incident early, he becomes weak minded already
19 at that moment.

20 "A good soldier forgets his enemy. As long
21 as it was declared that Chiang Kai-shek will be ig-
22 nored, we might as well forget his existence. The
23 best would be to take the attitude of 'Are there such
24 things as the Chungking Regime and Chiang Kai-shek
25 still somewhere in China?' In reality, the immediate

1 enemies are now clearly Britain and the United States,
2 and the group of democratic nations. This is already
3 common knowledge of the people. If we now come to a
4 compromise with Britain and the United States, and
5 think of trying to settle the Incident through Anglo-
6 Saxon cooperation, how can we ever face the spirits
7 of the one hundred thousand departed heroes? Here,
8 in the name of the one hundred thousand dead heroes,
9 I absolutely oppose any compromise with the United
10 States. If in the near future the United States de-
11 clares war against Germany, our nation must also rise
12 unhesitatingly in accordance with the obligation of
13 the Tritartite Alliance. This is the attitude of the
14 nation of the Imperial Way /Kodo/ and of the Way of
15 the Samurai /Bushido/."

16 Which is all I have to say on cross-examination.

17 ACTING PRESIDENT: I have one question on
18 behalf of a Member of the Tribunal.

19 You stated on the 24th of November that
20 NAKAYAMA and HIDAKA reported atrocities committed by
21 Chinese troops in Nanking. How many cases were reported
22 to you?

23 THE WITNESS: Your Honor, are you referring
24 to outrages committed by the Chinese soldiers?

25 ACTING PRESIDENT: Yes.

1 THE WITNESS: I did not hear any specific
2 facts in regard to those. They only told me, con-
3 veyed to me of general rumors in regard to those
4 cases.

1 ACTING PRESIDENT: All right. Another ques-
2 tion has just been handed me.

3 Do you know of any case in which a Japanese
4 soldier was punished for atrocities committed in Nanking
5 beyond mere reprimand by his superior? In other words,
6 do you know of anyone who was tried by court-martial
7 and given a sentence?

8 THE WITNESS: On this point, Mr. TSUKAMOTO,
9 who was formerly Judge Advocate of the Shanghai Expedi-
10 tionary Force, and Mr. OGAWA, who was formerly Judge
11 Advocate General of the Tenth Army, have testified
12 and according to their testimony the number of officers
13 and men who were tried before a court-martial and
14 convicted reached over one hundred.

15 ACTING PRESIDENT: You have no other knowledge,
16 then, about the number or the record of their trials?

17 THE WITNESS: I did hear at the time that two
18 or three cases were being tried in Shanghai. After
19 my return to Japan I tried to investigate the matter,
20 but as the documents in question had been burned and
21 were missing, I was unable to carry it any further and
22 I was unable to ascertain the actual figures.

23 ACTING PRESIDENT: My question was directed
24 to the atrocities committed in Nanking.

25 THE WITNESS: Yes. I was referring to Nanking

also in my reply.

1 ACTING PRESIDENT: Mr. Mattice.

2 THE WITNESS: I should like--

3 ACTING PRESIDENT: There is no question.

4 THE WITNESS: --to add that the offenses for
5 which these men were tried were rape, robbery, looting,
6 outrages and murder.

7 ACTING PRESIDENT: Mr. Logan.

8 MR. LOGAN: I should like to ask a few ques-
9 tions on behalf of KIDO.

10 ACTING PRESIDENT: On cross-examination?

11 MR. LOGAN: Redirect.

12 ACTING PRESIDENT: Very well.

13 REDIRECT EXAMINATION

14 BY MR. LOGAN:

15 Q General MATSUI, this last document that was
16 shown you, exhibit 3500-A, the article appearing in
17 the Dai Asia Shugi in July 1941, you speak about the
18 pro-Anglo-American groups in Japan. Do you include
19 in that group the court officials around the throne?
20

21 A I don't think that court circles were neces-
22 sarily pro-British or pro-American, but there may have
23 been such people among them.

24 Q Well, whom did you include in the pro-Anglo-
25 American groups?

1 A I should not like to say specifically such
2 and such a person was pro-American or pro-British,
3 but I think it is unavoidable that those who had close
4 ties with Britain and America should be imbued with
5 pro-British or pro-American ideologies.

6 Q Were you acquainted with the views of the Lord
7 Keeper of the Privy Seal at that time?

8 A I have never talked directly with the Lord
9 Keeper on such problems so I do not know very much
10 about that.

11 Q Did you ever hear what his views were at that
12 time?

13 A Well, of course, people said all sorts of
14 things and there were all sorts of rumors, so I really
15 can't say anything for sure. But on the whole, from
16 my own observation, I felt that the Lord Keeper was
17 somewhat more pro-British and pro-American than such
18 people as myself. But at the same time, he was a
19 patriotic Japanese.

20 Q Thank you, General.

21 ACTING PRESIDENT: Mr. Mattice.

22 MR. MATTICE: No redirect. That concludes the
23 individual defense of this accused.

24 ACTING PRESIDENT: The accused will resume
25 his place in the dock.

(Whereupon, the witness was excused.)

1 ACTING PRESIDENT: We will now return to the
2 presentation of the defense of the accused OSHIMA.

3 Mr. Cunningham.

4 MR. CUNNINGHAM: We now offer the evidence of
5 defense witness TAKAHASHI. However, it is our under-
6 standing that the witness will not be called for cross-
7 examination and, therefore, we offer his affidavit,
8 defense document 2082, for the purpose of showing that
9 Mr. Himmler never contacted or had an interview with
10 Mr. OSHIMA at the time described in the Himmler
11 memorandum.
12

13 ACTING PRESIDENT: Is your number 2082 correct,
14 or 2083? You have both of them here.

15 MR. CUNNINGHAM: 2083.

16 ACTING PRESIDENT: Then, in the following page,
17 you refer to it as 2082.

18 MR. CUNNINGHAM: 2083, as I understand it, is
19 the affidavit of TAKAHASHI.

20 ACTING PRESIDENT: It will be admitted.

21 CLERK OF THE COURT: Defense document 2083
22 will receive exhibit No. 3501.
23

24 (Whereupon, the document above
25 referred to was marked defense exhibit
No. 3501 and received in evidence.)

1 MR. CUNNINGHAM: I now read exhibit 3501,
2 skipping the formal parts, going to paragraph 2:

3 "I was on my post in Berlin as the Secretary
4 of Protocol for the Japanese Ambassador in Berlin from
5 about September, namely, immediately before OSHIMA,
6 the ex-Ambassador to Germany, took his post, until
7 January 1939.

8 "During this period all the conversations of
9 Ambassador OSHIMA with high German officials were
10 arranged beforehand by me as the Secretary of Protocol
11 as to their date, time, place, etc. As far as I
12 remember, there has never been any case in or about
13 January 1939 that Mr. Himmler requested of an inter-
14 view with the ex-Ambassador OSHIMA. No request was
15 also made by ex-Ambassador OSHIMA to see Mr. Himmler."

16 We now offer defense document 2084, the affi-
17 davit of Hiroshi SUGIURA, for the purpose of corrobo-
18 rating the testimony of TAKAHASHI.

19 ACTING PRESIDENT: It may be admitted.

20 CLERK OF THE COURT: Defense document 2084
21 will receive exhibit No. 3502.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3502 and received in evidence.)
25

MR. CUNNINGHAM: I offer to read exhibit 3502,

starting at the second paragraph:

1 "I served as the Secretary of Protocol of
2 the Japanese Embassy in Berlin during January and
3 August 1939 as the successor of Mr. Michitoshi TAKA-
4 HASHI. During this period every contact of Ambassador
5 OSHIMA with outside persons including German high offi-
6 cials was arranged through me as in the case of my
7 predecessor. As far as I remember, Mr. Himmler never
8 asked through me for an interview with Ambassador OSHIMA.
9 No request was also made by Ambassador OSHIMA to see
10 Mr. Himmler."
11

12 Before offering the interrogation of Ambassador
13 Ott, the former German Ambassador to Japan, who was
14 later relieved by Ambassador Stahmer in 1943, we wish
15 to state that every effort was made to obtain the pre-
16 sence of Ambassador Ott as a witness before the Tribu-
17 nal; however, it was impossible to secure his presence
18 for cross-examination after repeated demands were made
19 for a subpoena for his presence.
20

21 Later efforts were made to secure his presence
22 as a defense witness by subpoena; however, the efforts
23 were fruitless. However, we now offer defense document
24 2475, which is an interrogation of Ambassador Ott,
25 together with his cross-examination, taken by me at
Shanghai as part of the evidence of the witness Ott,

1 for the purpose of explaining some German documents
2 referring to OSHIMA, and I offer to read the interroga-
3 tion -- only the direct examination.

4 ACTING PRESIDENT: It will be admitted in
5 evidence.

6 CLERK OF THE COURT: Defense document 2475
7 will receive exhibit No. 3503.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 3503 and received in evidence.)

11 MR. CUNNINGHAM: I am only offering the direct
12 examination, and Mr. Tavenner will no doubt offer the
13 cross-examination.

14 MR. TAVENNER: If the Tribunal please, I under-
15 stand that counsel proposes to read only the examination
16 on his interrogatories, but that the interrogatories
17 as a whole are introduced in evidence as this exhibit.

18 ACTING PRESIDENT: That is what I understood
19 when I admitted them.

20 MR. CUNNINGHAM: Yes, that is why I wanted to
21 correct that.

22 ACTING PRESIDENT: Only the direct examination
23 will be admitted.

24 MR. CUNNINGHAM: And if Mr. Tavenner wishes
25 to offer the cross-examination, then he may.

1 The purpose is that I want to waive the re-
2 direct examination, and I do not wish to offer the
3 entire document but only that part which I wish to
4 read into evidence.

5 ACTING PRESIDENT: The only trouble, as I see
6 it, is that if the prosecution does offer that part
7 in evidence, you have one document with two exhibit
8 numbers.

9 MR. CUNNINGHAM: The direct examination and
10 the cross-examination can be given the same exhibit
11 number, as far as I am concerned.

12 ACTING PRESIDENT: Proceed.
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1 "Question 1. Please state your name, address
2 and nationality.

3 "Answer: Eugen Ott.

4 "Question 2. Please state your official posi-
5 tions in Japan, and the periods during which you
6 held each of these positions.

7 "Answer: Please refer to curriculum vitae
8 given in SHIRATORI interrogation."

9 To prevent reading that we will emphasize
10 that merely when it is read in the SHIRATORI
11 interrogation.

12 "Question 3. Please read the attached document
13 No. 1, which is a copy of the prosecution's exhibit
14 508, tendered to the International Military Tribunal
15 for the Far East. Is it a telegram dated 27 October
16 1939, and addressed from Woermann to you as the
17 German Ambassador in Tokyo?

18 "Answer: Yes.

19 "Question 4. According to this telegram, 'the
20 Reich Foreign Minister requests to support in all
21 respects Ambassador OSHIMA, who after his return,
22 will work further for German-Japanese friendship.'

23 "During Mr. OSHIMA's stay in
24 Japan after his return (from December 1939 until
25 January 1941), did you or the German Embassy render

1 any help or support to Mr. OSHIMA in the sense
2 of this telegram?

3 "Answer: None whatever.

4 "Question 5. During the above mentioned
5 period, did Mr. OSHIMA ask you or the German
6 Embassy for any help or support in the sense
7 of this telegram?

8 "Answer: Never.

9 "Question 6. According to this telegram,
10 the Reich Foreign Minister requested you 'to
11 transmit in code and without changes telegrams,
12 delivered there by Mr. OSHIMA to the Reich
13 Foreign Minister personally and to take care
14 of the forwarding of letters addressed to the
15 Reich Foreign Minister, unopened insofar as
16 they are sealed, by sure and speedy route.'

17 "Did Mr. OSHIMA, during the
18 above mentioned period of his stay in Japan,
19 hand to you or the German Embassy any telegrams
20 or letter addressed to the Reich Foreign Minister?

21 "Answer: None at all.

22 "Question 7. Please read the attached
23 document No. 2 which is a copy of the prosecution's
24 exhibit No. 511 tendered to the IMT. Is this
25 a telegram dated 23 February 1940 and addressed

1 from Stahmer and Ott to the State Secretary?

2 "Answer: Yes.

3 "Question 8. In this telegram it is stated that:

4 'After my arrival here I found such Japanese already
5 known to me as OSHIMA, SHIRATORI, TERAUCHI, ISHII,
6 etc., in an unchanged friendly attitude and ready
7 for every support.' I wonder why in this telegram,
8 which was signed jointly by Stahmer and you, the
9 singular personal pronoun 'I', 'my', 'me' was used.
10 Please explain the reason. (Please state what part
11 you played in the drafting of this telegram.)

12 "Answer: Drafted exclusively by Mr. Stahmer
13 and has my name attached only according to the
14 official regulations, in order to secure transmission
15 of the cipher telegram by the Japanese postal author-
16 ities.

17 "Question 10. Did OSHIMA, after this visit of
18 Mr. Stahmer to Japan, actively work for a closer
19 relation between Japan and Germany under the influence
20 of Mr. Stahmer?

21 "Answer: No active work by OSHIMA in this
22 respect as a result of Stahmer's influence.

23 "Question 11. Please read the attached document
24 No. 3, which is a copy of the prosecution's exhibit
25 No. 516 tendered to the IMTFE. Is this a telegram

1 dated 12 June 1940 and addressed from you to the
2 German Government?

3 "Answer: Yes.

4 "Question 12. In paragraphs 2-4 of this telegram
5 you stated that: 'each German and Italian move which
6 reveals the concern over American attitude in the
7 near future would only be a cue to the government and
8 the press which is close to it to make new courtship
9 of America. The government would further try, as in
10 the case of the Asama Maru, to impute to us the
11 intention of using Japan as a tool of our policy, an
12 argument which would not be ineffective with the known
13 suspicion of the Japanese. The Embassy is still
14 endeavoring to stir up Japanese ill feeling against
15 America by influencing the press and leading political
16 personalities in a way deemed proper. I myself have
17 expressed the thought in many discussions with lead-
18 ing political personalities as, for example, KONOYE,
19 SUETSUGU and KUHARA that the interests and activity
20 of America . . . in the Pacific Area and therefore a
21 conflict between Japan and America is in the long run
22 unavoidable.
23

24 "In confidential cooperation
25 with the Embassy, ambassadors OSHIMA and SHIRATORI
and circles closely connected with them are operating

1 in the same direction.'

2 "With reference to this telegram,
3 you answered in May 1947, to the questions by Mr.
4 Charles B. Caudle, counsel for defendant SHIRATORI,
5 as follows:

6 "Question: I now hand you copy of Exhibit No.
7 516, dated 12 June 1940, from you to your government,
8 wherein you speak of Japanese-American relations among
9 other matters, and call your special attention to the
10 second, third and fourth paragraphs thereof. Will
11 you please explain in detail just what you mean by
12 the same covering historical background, Japanese
13 psychology and existing conditions at the time the
14 communication was sent (and a copy was handed to
15 witness.)
16

17 "Answer: The background of this report of
18 June 12th, 1940, is as follows:

19 "The collapse of France was obviously
20 imminent, and the British situation was very precar-
21 ious, centering around Dunkirk. The only effective
22 relief which might keep up the resistance power of
23 England, and work against the early settlement of war,
24 could come from the United States of America, and was
25 asked from them very urgently. Therefore the German
Government endeavored to hamper such a relief, and

1 considered as a useful way a continued tension
2 in the Pacific area, which might prevent the
3 United States from removing their attention and
4 fighting forces from the Pacific to the Atlantic.

5 "It was a complicated matter to advance
6 such a policy upon Japan because the Japanese
7 attitude was much divided, as it is given in
8 the first part of my report. In this situa-
9 tion I got instructions to back an Italian pro-
10 test obviously against a Japanese measure in
11 favor of the United States and contrary to the
12 Italian interests - I do not recall the case
13 exactly. When I present my objections to the
14 Reich Government's intentions I had to avoid
15 the permanent distrust of Ribbentrop that I was
16 inclined to block his aims. Therefore I stressed
17 in paragraphs Nos. 3 and 4 of my report that I
18 was working in my own way and pointed to the
19 cooperation of SHIRATORI and other Japanese
20 persons known to Ribbentrop in order to impress
21 him and to succeed in my objections.
22

23 "Question: Did you mean, in the fourth
24 paragraph of this document that the Embassy,
25 OSHIMA and SHIRATORI worked together in a
common program, based upon a mutual understand-

1 ing and common agreement, and if so what was the
2 aim?

3 "'Answer: No, I did not mean that because
4 there was no such agreement.

5 "'Question: What, if anything did SHIRATORI
6 do in this regard?

7 "'Answer: SHIRATORI, as far as I know,
8 warned by private talks, and sometimes by the
9 Press, against the courting of the United States,
10 after they had enforced hard economic measures
11 upon Japan.

12 "'Question: Was this a part of a concerted
13 plan taken by him, OSHIMA and you?

14 "'Answer: No, it was not a common plan,
15 I had only private talks with each of them
16 separately, and OSHIMA kept himself much apart
17 from political activities during his stay in
18 Japan.

19 "'Question: Were you ever in the company of
20 SHIRATORI and OSHIMA at the same time for the
21 purpose of carrying out this so-called political
22 cooperation?

23 "'Answer: No, I was not.

24 "'Question: Then why do you state that there
25 was close cooperation between you?

1 ing and common agreement, and if so what was the
2 aim?

3 "Answer: No, I did not mean that because
4 there was no such agreement.

5 "Question: What, if anything did SHIRATORI
6 do in this regard?

7 "Answer: SHIRATORI, as far as I know,
8 warned by private talks, and sometimes by the
9 Press, against the courting of the United States,
10 after they had enforced hard economic measures
11 upon Japan.

12 "Question: Was this a part of a concerted
13 plan taken by him, OSHIMA and you?

14 "Answer: No, it was not a common plan,
15 I had only private talks with each of them
16 separately, and OSHIMA kept himself much apart
17 from political activities during his stay in
18 Japan.

19 "Question: Were you ever in the company of
20 SHIRATORI and OSHIMA at the same time for the
21 purpose of carrying out this so-called political
22 cooperation?

23 "Answer: No, I was not.

24 "Question: Then why do you state that there
25 was close cooperation between you?

1 "Answer: As I stated before, I used this
2 expression in order to give weight to the mes-
3 sage, and to carry through my objections. I
4 might add that I used the names of KONOYE and
5 SUETSUGU for the same reason."

6 "Can you make for Mr. OSHIMA the same
7 statement as the one you made in Peking in
8 May 1947 for Mr. SHIRATORI, with reference to
9 your telegram dated 12 June 1940 (exhibit No. 516)?

10 "Answer: Yes, I do so."

11 ACTING PRESIDENT: We will adjourn until
12 1:30.

13 (Whereupon, at 1200, a recess
14 was taken.)
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AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 ACTING PRESIDENT: Mr. Cunningham.

7 MR. CUNNINGHAM: Resuming the direct
8 examination of Ott, question 13, page 5:

9 "Question 13: Did OSHIMA, or did he not,
10 tell you that he was doing actively something for
11 stirring up ill relations or feelings against
12 America?
13

14 "Did OSHIMA, or did he not, do something
15 for stirring up ill feeling against America?

16 "Answer: He did nothing but to share
17 the suspicions of the Japanese press concerning the
18 sincerity of the Anglo-Saxon Powers.

19 "Question 14: Whom do you mean concretely
20 by 'OSHIMA, SHIRATORI and circles closely connected
21 with them?'

22 "Answer: Groups of politically
23 interested individuals with whom they were associ-
24 ated.

25 "Question 15: Please read the attached

1 document No. 4, which is a copy of the prosecution's
2 exhibit No. 560 tendered to the IMTFE. Is this your
3 telegram, dated 13 December 1940, sent to the
4 German Government?

5 "Answer: Yes.

6 "Question 16: In this telegram it is
7 stated that 'For the previous history, I know that
8 Foreign Minister has repeatedly offered the
9 Ambassadorial post in Berlin to OSHIMA, who, however,
10 declined it in order to be able to continue his
11 politically active work for the Tripartite Pact
12 in Japan. Did OSHIMA, or did he not, during the
13 period from December, 1939, until 27 September 1940
14 (namely, from Mr. OSHIMA's return to Japan until the
15 conclusion of the Tripartite Pact) work actively for
16 promoting the conclusion of the Tripartite Pact?

17 "Answer: No, he did not have any part
18 in the preliminary negotiations or the conclusion of
19 the Tripartite Pact. He was not consulted. I am
20 sure of this.

21 "Question 17: During or prior to the
22 negotiations for the Tripartite Pact in September,
23 1940, did you (or Mr. Stahmer), or did you (or Mr.
24 Stahmer) not, ask Mr. OSHIMA for his advice or
25 opinion?

1 "Answer: I did not. Neither did Mr.
2 Stahmer.

3 "Question 18: Did OSHIMA during the
4 period from 28 September 1940 until January, 1941,
5 (namely, from the conclusion of the Tripartite Pact
6 until Mr. OSHIMA's departure for his post in
7 Germany) work politically for the Tripartite Pact.

8 "Answer: The only thing I can recall
9 was an interview with the press on the subject."

10 Mr. Tavenner will complete the cross-
11 examination.

12 MR. TAVENNER: If the Tribunal please, I
13 offer in evidence the cross-interrogatories of Mr.
14 Ott, which appear in this document from pages 13 to
15 34, inclusive, and suggest that they be given the
16 number 3503-A.

17 ACTING PRESIDENT: How about pages 11 and
18 12?

19 MR. TAVENNER: That is correct. It is
20 from 11 to 34.

21 ACTING PRESIDENT: It will be admitted under
22 exhibit No. 3503-A.

23 CLERK OF THE COURT: Cross-interrogatory
24 for Mr. Eugen Ott will receive exhibit No. 3503-A.
25

(Whereupon, the document above

1 referred to was marked prosecution exhibit
2 No. 3503-A and received in evidence.)

3 MR. TAVENNER: If the Tribunal please, I
4 do not propose to read the cross-interrogatories
5 as the only purpose is in the introduction by Ott
6 of the affidavits, which are made a part of his
7 interrogatories. For instance, at page 12, you
8 will see in the last paragraph that the answer is:
9 "I herewith file in evidence paper No. 1 consisting
10 of a photostatic copy..." of a certain telegram.
11 And, a similar question is asked and answer is made
12 in the manner in which each of the three affidavits
13 are filed.

14 Therefore, each of the three affidavits
15 constitute part of the evidence and a part of the
16 document just admitted in evidence.

17 I will read a part of the first telegram,
18 which is a telegram of December 31, 1939, from Ott
19 to Berlin. It appear on page 18. I will read the
20 second paragraph:

21 "The Japanese Government is functioning in
22 this year-end under the heaviest foreign and domes-
23 tic political pressures. The three big problems of
24 the Japanese foreign policy; settlement of the
25 China question, understanding with America, and

1 adjustment with Russia, are yet to be solved. The
2 announcement of the opening of the Yangtse up to
3 Nanking did not bring about the change of the American
4 attitude which had been sought after. The American
5 Ambassador brought forward further demands with the
6 ostensible objectives of the independence and free
7 trade of China, at least of Central and South China.
8 He is said to have demanded especially: gradual
9 withdrawal of the troops except 8 garrisons to be
10 left in North China, guarantee for the open door and
11 the treaty rights of foreign nations accompanied by
12 the dissolution of the monopolistic Japanese
13 development company. The American attitude gave
14 rise to disillusion after the initial high expectations
15 which were nurtured by the intentional
16 optimism of the Government. In order to avert the
17 American pressure, the idea is being advocated of
18 late in some circles (group garbled) to solve the
19 China Incident by making concessions to Chiang Kai-
20 shek, to negotiate, if possible, with him concerning
21 peace by abandoning the KONOYE declaration, and to
22 utilize Wang Chiang-wei as a mere mediator for that
23 purpose. The Army, particularly the China Army,
24 was however till recently still determined to
25 establish a new central Government under Wang

1 adjustment with Russia, are yet to be solved. The
2 announcement of the opening of the Yangtse up to
3 Nanking did not bring about the change of the American
4 attitude which had been sought after. The American
5 Ambassador brought forward further demands with the
6 ostensible objectives of the independence and free
7 trade of China, at least of Central and South China.
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10 left in North China, guarantee for the open door and
11 the treaty rights of foreign nations accompanied by
12 the dissolution of the monopolistic Japanese
13 development company. The American attitude gave
14 rise to disillusion after the initial high expectations
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16 optimism of the Government. In order to avert the
17 American pressure, the idea is being advocated of
18 late in some circles (group garbled) to solve the
19 China Incident by making concessions to Chiang Kai-
20 shek, to negotiate, if possible, with him concerning
21 peace by abandoning the KONOYE declaration, and to
22 utilize Wang Chiang-wei as a mere mediator for that
23 purpose. The Army, particularly the China Army,
24 was however till recently still determined to
25 establish a new central Government under Wang

1 Chiang-wei, although he (apparently the word
2 'demands' is omitted) a great amount of independence
3 and is always grappling with serious personnel
4 difficulties. The negotiations with Russia are re-
5 stricted on the details (settlement of the Manchurian
6 border, fishing treaties), without touching the
7 fundamental question of the Japan-Russian adjustment,
8 in particular the Russian attitude toward China.
9 Minor counter claims of Russia, such as payment of
10 the outstanding debt of 6 millions yen of the South
11 Manchurian Railway, are causing difficulties."

12 I omit reading now to the sentence beginning
13 in the third line on the last page of the telegram,
14 which is page 21 of the document:

15 "As the foreign political pressure and
16 serious internal differences continue to exist,
17 neither a coalition cabinet capable of action nor
18 the..." and here I pause to state that apparently
19 the word "complete" has been omitted in the trans-
20 lation. To the Language Pool, the word "complete"
21 is at the end of the third line that I was reading.
22
23
24
25

1 THE MONITOR: Mr. Tavenner, the document
2 that has been marked and handed to us evidently has
3 a very different prosecution number. If you would
4 kindly tell us the number, we will be able to locate
5 the Japanese document -- the corresponding one.

6 MR. TAVENNER: The defense document number
7 is 2475.

8 THE MONITOR: And from what English page?

9 MR. TAVENNER: Page 21, the fifth line from
10 the top of the page.

11 Let us omit the word "complete" rather than
12 use it this time, and refer it to the Language Section.
13 I believe it will save us time.

14 So that the sentence reads:

15 "...neither a coalition cabinet capable of
16 action nor the affiliation with any of the European
17 power-groups is to be expected for the time being.
18 According to the views of Ambassadors OSHIMA and
19 SHIRATORI, who are working hard for overthrowing the
20 present Cabinet, two or three more transit cabinets
21 will be needed in order to bring about a drastic
22 change of the course.

23 "Signed Ott."

24 I would like for the matter to be referred
25 to the Language Pool for the addition of the word

1 "complete" before the word "affiliation," if that is
2 correct.

3 ACTING PRESIDENT: It is so ordered.

4 MR. TAVENNER: I now desire to read the
5 second affidavit which appears at page 25. The date
6 is January 23, 1940. And I desire to read only the
7 last part of the first paragraph appearing on page 26,
8 beginning with the words "I am endeavouring..."

9 I was in error in referring to it as an
10 affidavit. It is, of course, a telegram.

11 "I am endeavouring as the highest objective
12 of my further action to achieve the release of the
13 arrested persons. I have already presented these
14 views for the time being unofficially to the Foreign
15 Ministry of Japan. Step-by-step-tactics alone are
16 in view of the Japanese mentality the only ones with
17 prospect of success; this also corresponds to the
18 urgent advices by ambassadors OS --" and the rest
19 of the word is not written out -- "and S-H-I-R --" and
20 the rest of the word is not written.

21 "Signed Ott."

22 I now desire to read the third and last
23 telegram, which appears at page 30 of the document:

24 "26 January 1940

25 "Most urgent!

1 "complete" before the word "affiliation," if that is
2 correct.

3 ACTING PRESIDENT: It is so ordered.

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5 second affidavit which appears at page 25. The date
6 is January 23, 1940. And I desire to read only the
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14 views for the time being unofficially to the Foreign
15 Ministry of Japan. Step-by-step-tactics alone are
16 in view of the Japanese mentality the only ones with
17 prospect of success; this also corresponds to the
18 urgent advices by ambassadors OS --" and the rest
19 of the word is not written out -- "and S-H-I-R --" and
20 the rest of the word is not written.

21 "Signed Ott."

22 I now desire to read the third and last
23 telegram, which appears at page 30 of the document:

24 "26 January 1940

25 "Most urgent!

"For the Foreign Minister

1 "I hear confidentially that the Japanese
2 Foreign Office instructed Ambassador KURUSU to ask
3 the German Foreign Office to put off the planned
4 visit of Duke of Coburg till March or better April,
5 on the ground that the time is not sufficient to
6 prepare for such a high visit, and all the influential
7 political persons are being occupied too much with
8 the Diet. As no special missions from any foreign
9 countries have been considered for the occasion of
10 the national foundation anniversary, the Foreign Office
11 asked to call the visit of Duke of Coburg as friendship
12 mission. I expressed to a confident my personal
13 anxiety that the Japanese conduct could cause strong
14 annoyance in Berlin. I see the deeper reason for this
15 strange attitude in the petty apprehension of the
16 Japanese Government that the exclusive representation
17 of Germany by a special mission might damage the
18 neutral status of Japan in the eyes of third powers.
19 In addition, the court circle is strongly agitated
20 by the Anti-British wave caused by the 'Asamamaru'
21 incident, and fears the intensification of the pro-
22 German feeling of people by the visit of the Duke at
23 the present moment. The fact that, as I learned most
24 confidentially the Government considered shortly
25

"For the Foreign Minister

1 "I hear confidentially that the Japanese
2 Foreign Office instructed Ambassador KURUSU to ask
3 the German Foreign Office to put off the planned
4 visit of Duke of Coburg till March or better April,
5 on the ground that the time is not sufficient to
6 prepare for such a high visit, and all the influential
7 political persons are being occupied too much with
8 the Diet. As no special missions from any foreign
9 countries have been considered for the occasion of
10 the national foundation anniversary, the Foreign Office
11 asked to call the visit of Duke of Coburg as friendship
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13 anxiety that the Japanese conduct could cause strong
14 annoyance in Berlin. I see the deeper reason for this
15 strange attitude in the petty apprehension of the
16 Japanese Government that the exclusive representation
17 of Germany by a special mission might damage the
18 neutral status of Japan in the eyes of third powers.
19 In addition, the court circle is strongly agitated
20 by the Anti-British wave caused by the 'Asamamaru'
21 incident, and fears the intensification of the pro-
22 German feeling of people by the visit of the Duke at
23 the present moment. The fact that, as I learned most
24 confidentially the Government considered shortly
25

1 before the Asama case to prepare a pompous reception
2 for the Duke as the guest of the state, justifies
3 also this assumption.

4 "Ambassador OSHIMA also pointed to the Anti-
5 British movement as the main reason for the sudden,
6 a formally most unpleasant, retreat of the Japanese
7 Government from the promise apparently given in
8 Berlin. As a matter of fact, he sees, however, in
9 this postponement of the journey possible advantage
10 for our policy, as the Anti-British movement will be
11 enabled to develop to the full extent, if it is not
12 burdened with the suspect of being under German
13 influence. According to an information received just
14 now, the movement is spreading to broad party circles
15 and could result in bitter fights in the Diet in
16 February and March, probably bringing about the collapse
17 of the Government. OSHIMA recommends to postpone
18 the journey till April-May, but to reserve the decision
19 as to the final time-table.

20 "I also propose to examine the following
21 itinerary: Arrived in Japan a week later, immediate
22 continuation of the trip to America and friendship
23 visit to Japan on the way back. I would be grateful
24 in any case, for the realizing of Stahmer's information
25 journey. Ott."

That is all.

1 ACTING PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: Before offering the next
3 document I should like to clarify a matter. I only
4 wish to introduce or offer the document with the
5 exception of a few sentences which I do not wish to
6 include and I would like to have an understanding that
7 if the document is accepted, it is accepted with the
8 understanding that those few sentences should be
9 deleted.

10 ACTING PRESIDENT: Admitted under those
11 conditions.

12 MR. TAVENNER: If the Tribunal please, there
13 was a rebuttal interrogatory taken to the cross-
14 interrogatory of Eugen Ott, which was processed and
15 admitted in evidence. I cannot insist that counsel
16 read it, but I want merely to call the Tribunal's
17 attention to the fact that such a cross or rebuttal
18 interrogatory is a part of this document.

19 ACTING PRESIDENT: You mean part of the
20 document, exhibit 3503-A.

21 MR. TAVENNER: Part of document 3503. But
22 by the manner in which 3503 was admitted in evidence,
23 there could be some doubt as to whether or not it
24 carried with it the remaining part of that document.
25

1 So I think the matter could be cleared up by declaring
2 it to have been admitted as a part of document 3503
3 and then leave counsel to his own choice as to
4 whether he reads it.
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1 ACTING PRESIDENT: He referred to the inter-
2 rogatory on pages 15 and 16, I believe.

3 MR. TAVENNER: No, sir, it is at the very
4 end of the document and consists of nine pages separate-
5 ly numbered from 1 to 10.

6 ACTING PRESIDENT: We don't seem to have that;
7 at least I can't find it.

8 MR. TAVENNER: I desire to apologize to the
9 Court for taking this time. The part that I thought
10 had been processed apparently has not been. I have
11 been given the additional set of questions constitut-
12 ing the rebuttal to the cross-interrogatories, but
13 apparently it was not processed. I assumed that my
14 copy was the same as the processed copy. In the
15 light of that situation I desire to ask the privilege
16 of introducing that rebuttal interrogatory in behalf
17 of the prosecution if it is not introduced by the de-
18 fense. These interrogatories were taken pursuant to
19 an agreement, and now I find for the first time this
20 moment that only part has actually been reproduced
21 for admission in testimony.

22 ACTING PRESIDENT: Is there any objection
23 to that on the part of the defense?

24 MR. CUNNINGHAM: I wish to clear up the
25 matter specifically. That was the reason I made the
~~opening remark I made, that I was only introducing~~

1 as part of the evidence in this case the direct
2 examination of the witness Ott, and I deemed it
3 my privilege to waive the introduction of the
4 redirect examination or the cross-interrogatories if
5 I didn't see fit to introduce them as a part of the
6 record in this case.

7 That is the first suggestion.

8 As to the second suggestion of Mr. Tavenner,
9 that he offers in evidence as part of his case the
10 cross-interrogatories, or the redirect examination as
11 I chose to call it, I don't feel that he should be
12 the one at this time to offer evidence in the prose-
13 cution's part of the case.

14 On the third proposition, I only processed that
15 part which I proposed to introduce as evidence in this
16 case and did not feel under any obligation to process
17 the part which I chose to waive.

18 ACTING PRESIDENT: But you did process what
19 is now exhibit 3503-A.

20 MR. CUNNINGHAM: I admit that we processed
21 the direct examination and Mr. Tavenner's cross-
22 examination, but we did not process the redirect ex-
23 amination. I felt under no more obligation to intro-
24 duce the redirect examination here as part of the
25 record than I would feel required to redirect examine

1 as part of the evidence in this case the direct
2 examination of the witness Ott, and I deemed it
3 my privilege to waive the introduction of the
4 redirect examination or the cross-interrogatories if
5 I didn't see fit to introduce them as a part of the
6 record in this case.

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12 the one at this time to offer evidence in the prose-
13 cution's part of the case.

14 On the third proposition, I only processed that
15 part which I proposed to introduce as evidence in this
16 case and did not feel under any obligation to process
17 the part which I chose to waive.

18 ACTING PRESIDENT: But you did process what
19 is now exhibit 3503-A.

20 MR. CUNNINGHAM: I admit that we processed
21 the direct examination and Mr. Tavenner's cross-
22 examination, but we did not process the redirect ex-
23 amination. I felt under no more obligation to intro-
24 duce the redirect examination here as part of the
25 record than I would feel required to redirect examine

1 the witness if he were actually present.

2 ACTING PRESIDENT: When you take interroga-
3 tories by commission or otherwise, it is customary
4 for all the interrogatories to go in.

5 MR. CUNNINGHAM: That is not my understanding,
6 your Honor. It is an optional matter for you to
7 introduce at any time you see fit any part or all of
8 a deposition, and you don't have to introduce it at
9 all unless you see fit. That is my understanding of
10 the practice.

11 ACTING PRESIDENT: You don't have to intro-
12 duce it at all, but, on the other hand, if you do not
13 introduce it the other side has the right to intro-
14 duce it once the interrogatories have been taken
15 and returned to court.

16 MR. CUNNINGHAM: That is not my understanding,
17 any more than it would be the right of the prosecution
18 to make the witness theirs after the close of the
19 prosecution's case. The only condition under which
20 I consider this could be made part of the prosecution's
21 case is if and in the event there is permission to
22 put in rebuttal evidence. That is my understanding.
23 I may be wrong about it, but that is the reason why
24 I did not introduce the redirect examination, because
25 I did not see fit to do so.

1 MR. TAVENNER: If it please the Tribunal,
2 there would be no quarrel with counsel if he had
3 elected not to introduce any part of the interroga-
4 tion of Eugen Ott. But certainly the practice is
5 not recognized in any court of admitting part of an
6 interrogatory and voluntarily withholding or with-
7 drawing another part.

8 ACTING PRESIDENT: The majority of the Court
9 holds that the redirect interrogatory, or whatever
10 you may call it, shall be admitted in evidence at
11 such time as you may present it. In fact, that opinion
12 seems to be unanimous.

13 MR. TAVENNER: Do I understand the ruling to
14 mean it is admitted as part of document 3503, which
15 is the defense exhibit, as distinguished from the
16 prosecution presenting it as its own exhibit?

17 ACTING PRESIDENT: Unless there is some other
18 objection to it, I would suggest that when admitted
19 it be given the number 3503-B.

20 MR. CUNNINGHAM: There is no objection as
21 far as what number to give it goes as long as there
22 is no confusion about the thing, with the understand-
23 ing that only that part of the document that is offered
24 is to be part of the record if the document is accept-
25

1 ed in evidence.

2 I now tender in evidence defense document
3 2858, which is a voluntary statement made by Ambassador
4 Ott at Peiping, in explanation of his position
5 in Japanese-German relations and his interest and
6 his participation. This statement covers many
7 matters about which the witness would be required to
8 testify if he were present; and the strictly relevant
9 subjects are so interwoven with the few irrelevant
10 matters that we ask the Court's indulgence in permit-
11 ting us to read the entire statement, with the ex-
12 ception of course noted, in order to get the full
13 context and meaning. Since this statement was not
14 obtained by the counsel for the defense, it is neither
15 in the form nor strictly in the substance which we
16 would desire. However, it is the best available
17 information we have, and since we have done everything
18 possible to obtain the personal appearance here of
19 Ambassador Ott, we feel that this statement should be
20 admitted for what it is worth in our defense.

21 We now offer defense document 2528 excepting
22 the last two sentences of paragraph 3, page 4, start-
23 ing after the words "Chiang Kai-shek" to the end of
24 that paragraph.
25

ACTING PRESIDENT: Where is that on page 4?

1 MR. CUNNINGHAM: After the word "Chiang Kai-
2 shek" in the third paragraph to the end of the para-
3 graph.

4 ACTING PRESIDENT: That means the rest of
5 the affidavit, then, doesn't it?
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1 MR. TAVENNER: If the Tribunal please, objec-
2 tion is made to the introduction in evidence of this
3 document in its entirety. It is a statement prepared by
4 Eugen Ott, depicting his personal history prior to his
5 dispatch to Japan in 1933, the main phase of his
6 military work in Japan from 1933 to 1938, and his
7 activity as German Ambassador in Tokyo. It is very
8 general in form and certainly in no sense could it be
9 said to be a proper document in the individual phase of
10 the accused OSHIMA, and strange to say, with the excep-
11 tion of the very sentence which counsel desires to
12 delete, at no point in this document is the name
13 OSHIMA used, with the exception of that one sentence
14 which counsel desires to delete.

15 ACTING PRESIDENT: I notice it is dated 15
16 November 1945.

17 MR. TAVENNER: In China.

18 ACTING PRESIDENT: In China. I referred to it
19 as an affidavit, but it does not seem to be an affi-
20 davit.

21 MR. TAVENNER: No, sir. It is a voluntary
22 statement. The only direct reference to OSHIMA in this
23 statement is on page 10 in connection with the no-
24 separate-peace pact of December 11, 1941, in which he
25 says, "I received, as far as I remember, the draft of

1 an agreement drawn up by the German Government, which
2 was presumably agreed upon with the Japanese officials
3 in Berlin." This is not a disputed passage.

4 ACTING PRESIDENT: We have no page 10 in our
5 document here.

6 MR. TAVENNER: That means that the copy given
7 me was numbered differently and processed differently
8 than the one that has been circulated in the Tribunal.

9 ACTING PRESIDENT: This is supposed to be de-
10 fense document 2858.

11 MR. TAVENNER: The two documents are different.
12 It would be rather hard for me to find it quickly, but
13 that is the only indirect reference to OSHIMA in this
14 document.

15 Here, I have found it; it is on page 7 of this
16 document. The sentence next to the last of the first
17 paragraph beginning on page 7. That is a point which is
18 not disputed in this case; though other grounds and
19 rulings of the Tribunal could probably be assigned for
20 the rejection of this document, it is believed that it
21 is sufficient to place the objection squarely upon the
22 point that it does not involve the individual defense
23 of this accused. Certainly if the document is to be
24 admitted, that sentence, which is the only one naming
25 this accused, should be admitted.

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20 the rejection of this document, it is believed that it
21 is sufficient to place the objection squarely upon the
22 point that it does not involve the individual defense
23 of this accused. Certainly if the document is to be
24 admitted, that sentence, which is the only one naming
25 this accused, should be admitted.

1 ACTING PRESIDENT: What the Tribunal wants to
2 know is that this statement having been made in Novem-
3 ber 1945, and interrogatories having been had since that
4 time, why the contents of this statement were not in-
5 cluded and covered by the interrogatories?

6 MR. CUNNINGHAM: Your Honor, I will have to
7 give you just a very brief history of that. At the time
8 the interrogatories were taken we did not have this
9 statement, did not know it existed, and it was dis-
10 covered after the interrogatories were taken.

11 ACTING PRESIDENT: He didn't give it to the
12 prosecution, did he?

13 MR. CUNNINGHAM: Yes, he gave the statement to
14 the CIC in Peiping.

15 Now, I made an application for an order of the
16 Tribunal for the prosecution to turn over to me the
17 interrogation of Ambassador Ott, and I obtained that
18 interrogation, and in that interrogation, just a week or
19 ten days ago, a reference was made to this statement.

20 Now, in the second place, the interrogations
21 contain hundreds of pages and go into fine detail con-
22 cerning the matters which are touched here briefly, and
23 that is the reason I have selected this document in-
24 stead of asking that the interrogations be processed
25 which went into such fine detail.

1 Now, I agree with Mr. Tavenner in this, that
2 this is a general statement, and if I had had the
3 statement at the time the Tripartite negotiations were
4 presented to this Tribunal, I would have introduced it
5 then because it is of a more general nature, but con-
6 sidering the fact that Mr. OSHIMA is a little more
7 vitally concerned in this statement and in the relations
8 of Japan and Germany, I considered that this was the
9 next best appropriate time to present it.

10 Now, the third point is that if there had been
11 any possibility of having the subpoena honored and
12 Ambassador Ott brought here personally, there would be
13 no necessity for me to ask that this secondary evidence
14 be introduced here, but this document does fill in a
15 great many of the gaps which are left from the telegrams
16 and intermingled communications of Ambassador Ott to his
17 country.

18 Now, on the one reference that I make to the
19 provision that it should be eliminated from the document,
20 I wish to state that the reason we are not offering
21 that sentence to the Tribunal is because it is not a
22 statement of fact; it is far from the fact. I cannot
23 make an offer of evidence, knowing that it is not a
24 statement of the fact, and I know from the other evidence,
25 or am satisfied in my mind that that statement is not a

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3 statement at the time the Tripartite negotiations were
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16 and intermingled communications of Ambassador Ott to his
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19 provision that it should be eliminated from the document,
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21 that sentence to the Tribunal is because it is not a
22 statement of fact; it is far from the fact. I cannot
23 make an offer of evidence, knowing that it is not a
24 statement of the fact, and I know from the other evidence,
25 or am satisfied in my mind that that statement is not a

1 statement of the fact; it is an opinion of fact, a
2 surmise and an assumption on the part of the party who
3 stated it, and therefore I do not wish to mislead the
4 Tribunal on the matter.

5 And lastly, the document does not justify all
6 this argument. If I had thought that we would have so
7 much discussion about it, for what it is worth and the
8 gaps that it fills in, it doesn't justify the time that
9 we have spent arguing it, but I would like to have it
10 accepted for what it is worth.

11 Now, one last remark ---
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1 ACTING PRESIDENT: You just made the remark
2 that we have wasted time arguing these procedural
3 questions. The Court has felt for some time and has
4 suggested that we are spending too much time upon
5 objections upon points of evidence or the admission
6 of documents.

7 By a majority the objection is sustained.

8 MR. CUNNINGHAM: The affidavit of Shinichi
9 TANAKA is now presented for the purpose of denial of
10 any participation on the part of OSHIMA in the
11 operational plans for the Pacific War. This is
12 defense document 2542 and I ask that the witness
13 TANAKA be called.

14 MR. TAVENNER: If the Tribunal please, as
15 I do not propose to cross-examine this witness some
16 time can be saved if he not be called.

17 ACTING PRESIDENT: Under those circumstances
18 there is no necessity for calling him unless you have
19 some further questions to ask.

20 MR. CUNNINGHAM: No, your Honor, I had no
21 idea that he would not be called for cross-examination.

22 I offer defense document 2542, the affidavit
23 of TANAKA.
24

25 ACTING PRESIDENT: It will be admitted.

CLERK OF THE COURT: Defense document 2542

1 will receive exhibit No. 3504.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3504 and received in evidence.)

5 MR. CUNNINGHAM: I shall start to read the
6 second paragraph, skipping the formal parts:

7 "I was from October 1940 until 7 December
8 1942 the Director of the First Division of the
9 General Staff in charge of operational matters.

10 "2. I testified last time before this
11 Tribunal that in the peace time operational plan of
12 1941 no concrete plans for attacking Hongkong,
13 Singapore, etc. were included. Besides this peace
14 time operational plan the Japanese Army made during
15 the period between January and May 1941 no concrete
16 plans or preparations for occupying Singapore, Hong-
17 kong and the Philippines or one of these places. No
18 study worth mentioning was even made.

19 "3. The General Staff received neither
20 from Germany nor from Mr. OSHIMA directly or indirectly
21 any suggestions or influences in drafting and deciding
22 the operational plans or any one of them including
23 the attacks on British Malay, Singapore, Hongkong,
24 the Philippines, Netherlands East Indies and the
25 Southern Regions. Nor was there any case that the

1 General Staff concerning these plans or any one of
2 them asked directly or indirectly through Ambassador
3 OSHIMA for opinion, suggestions or assistance from
4 Germany. Also, Mr. OSHIMA never recommended to the
5 General Staff preparations or carrying out of these
6 operational plans or any one of them."

7 Mr. SHIMANOUCI will introduce the next
8 witness.

9 MR. SHIMANOUCI: I call KOMATSU, Mitsuhiro
10 as my next witness.

11 MR. TAVENNER: If the Tribunal please, the
12 prosecution will not cross-examine this witness and
13 he need not be called as far as we are concerned.

14 ACTING PRESIDENT: Unless you have some fur-
15 ther questions to ask outside the affidavit there is
16 no need for calling the witness.

17 MR. SHIMANOUCI: As I have no additional
18 questions I shall not call the witness, your Honor.

19 I offer defense document 2783 in evidence.

20 ACTING PRESIDENT: It will be admitted.

21 CLERK OF THE COURT: Defense document 2783
22 will receive exhibit No. 3505.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3505 and received in evidence.)

MR. SHIMANOUCI: I shall read defense

Document 2783 which is now Court exhibit 3505:

1 "I, KOMATSU, Mitsuhiro, state under oath as
2 follows:

3 "1. My present address is No. 1086 Yamada-
4 machi, Kami-gun, Kochi Prefecture.

5 "2. I was appointed in the winter of 1940
6 the Assistant Military Attache and concurrently the
7 Assisting member of the Tripartite Mixed Commission
8 Japan-Germany-Italy in Berlin. I arrived in Berlin
9 via Sileria together with Ambassador OSHIMA in Feb-
10 ruary 1941. I was appointed the Military Attache and
11 concurrently the member of the above mentioned Commis-
12 sion at the beginning of 1943 succeeding Lt. General
13 BANZAI and stayed on my post until the end of the war.
14 During the tour of my duty in Berlin I was at first
15 Major General, and later Lt. General.

16 "3. Japanese members of the Tripartite Mixed
17 Commission in Berlin based on the Tripartite Pact were
18 Ambassador OSHIMA for the General, Lt. General BANZAI
19 and Vice Admiral NOMURA for the Military and Minister
20 MATSUSHIMA for the Economic Commission. These commis-
21 sions were never convened until the outbreak of the
22 Pacific War. Even after its outbreak they met only
23 two or three times, and were never convened after the
24 beginning of 1943 when I became a member of the mili-
25

1 tary Commission succeeding Lt. General BANZAI. I heard
2 from Lt. General BANZAI that during the meetings there
3 were only propagandistic reports on the past war
4 situation by the German side.

5 "4. Shortly after the outbreak of the Pa-
6 cific War, the Military Agreement between the three
7 countries of Japan, Germany, and Italy was concluded
8 in January 1942. This was a purely Military Agreement
9 concerning matters of the High Command. As far as I
10 know and heard from late Military Attache BANZAI,
11 Ambassador OSHIMA was in fact not at all connected
12 with this matter.

13 "5. Ambassador OSHIMA told and consulted the
14 military and naval attaches and other higher Embassy
15 officials whenever he received instructions from
16 Tokyo or had talks with German leaders. He was often
17 telling us that because very little information was
18 received from the Japanese Government, it was regret-
19 table that he could not know the policy of the Japan-
20 ese Government, and that he could not talk serious
21 matters with the German side as especially he did not
22 know the future plan of Japan. What Ambassador OSHIMA
23 thought most important on his arrival in Berlin was,
24 as I heard from him, to find out what perspective or
25 plan Germany had for the future of the European War,

1 and especially, whether and when she was in fact going
2 to carry out landing operations against England and
3 what preparations she was making.

4 "6. I heard from Ambassador OSHIMA that
5 Germany desired Japan to attack Singapore in the
6 spring of 1941, but I learned from him that on this
7 Singapore question he was only expressing his person-
8 al opinion on the basis of the military common sense
9 he acquired as an ex-soldier and he did not broach
10 this question on his own initiative. This Singapore
11 question was brought out only before the outbreak of
12 the German-Russian war, and thereafter Germany
13 changed her mind and asked Japan to attack Soviet
14 Russia, according to what I heard from Ambassador
15 OSHIMA.

16 "7. I was allowed to see important telegrams
17 Ambassador OSHIMA sent to Tokyo prior to or after the
18 dispatch. I never read a telegram by which Ambassador
19 OSHIMA as his own opinion recommended such attacks
20 to Tokyo.

21 "8. Very little information was received
22 from Tokyo as mentioned above. We in Berlin, includ-
23 ing Ambassador OSHIMA, received almost no communica-
24 tion concerning the Japanese-American negotiations
25 and could not understand the situation in Japan well.

1 Ambassador OSHIMA expressed his opinion, even when
2 he received the instructions to negotiate for the
3 Non-Separate Peace Treaty immediately before the
4 outbreak of the war; that war would not be opened
5 between Japan and the United States. Such being the
6 circumstances, I was very much surprised when I heard
7 the attack on Pearl Harbor by foreign radio broadcast.
8 Ambassador OSHIMA and all the others who gathered at
9 the Embassy shortly thereafter expressed to each
10 other their greatest surprise, also."

11 Signed "KOMATSU, Mitsuhiko

12 "At Tokyo, 31 March 1947."

13 Mr. Cunningham will continue with the pre-
14 sentation of evidence.

15 ACTING PRESIDENT: Mr. Cunningham.

16 MR. CUNNINGHAM: In the absence of the
17 witness TATSUMI, I offer in evidence defense document
18 2662, his affidavit.
19

20 ACTING PRESIDENT: It will be admitted in
21 evidence.

22 CLERK OF THE COURT: Defense document 2662
23 will receive exhibit No. 3506.

24 (Whereupon, the document above
25 referred to was marked defense exhibit
No. 3506 and received in evidence.)

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ACTING PRESIDENT: You will read the affidavit after the recess.

We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: I now read exhibit 3506.

"I, TATSUMI, Eiichi, being first duly sworn on oath, do hereby depose and say:

"1. That my military career was outlined in my previous affidavits, offered in evidence in the DOHIHARA case, and will not be repeated here. I was Military Attache to Great Britain in 1936 to 1938 and 1939 to 1942, and had been Assistant Military Attache from 1930 to 1933. I was returned to Japan by repatriation boat in September 1942 at the time when the British Embassy Staff were repatriated to England in exchange. Mr. KAMIMURA was the Charge d'Affaires and head of the Embassy group at the time of our return, having succeeded Ambassador SHIGEMITSU, who returned in May or June, 1941, as head of the mission.

1 "2. During my tour of duty as Assistant and
2 as Military Attache in London I was responsible direct-
3 ly to the Chief of the Imperial General Staff and was
4 only related to the ambassador in matters of confer-
5 ence. Under the Japanese military system the military
6 attache is appointed, directed and supervised and re-
7 moved by the military authorities and is not under
8 the authority of the ambassador to whom he is attached.

9 "3. One of the major factors in the appoint-
10 ment of a military attache to a foreign government
11 is the language ability of the officer to be appointed.
12 In my case my language instruction was concentrated
13 on English and my only foreign assignments were in
14 London.

15 "4. At the time of the close of the Pacific
16 War I was a lieutenant general in the Japanese army.

17 "TATSUMI, Eiichi."

18 Now, Mr. SHIMANOUCI will present the next
19 witness.
20

21 MR. SHIMANOUCI: I call YOKOI, Tadao, as our
22 next witness.
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1 T A D A O Y O K O I, called as a witness on behalf
2 of the defense, being first duly sworn, testified
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. SHIMANOUCI:

6 Q What is your name and address, Witness?

7 A YOKOI, Tadao, 2327 Midori-ga-oka, Meguro-ku,
8 Tokyo.

9 MR. SHIMANOUCI: May the witness be shown
10 defense document No. 2671?

11 (Whereupon, a document was handed to the
12 witness.)

13 Q Is that your affidavit?

14 A Yes.

15 Q Are the contents thereof true and correct?

16 A Yes.

17 MR. SHIMANOUCI: I offer in evidence defense
18 document 2761.

19 ACTING PRESIDENT: It will be admitted in
20 evidence.

21 CLERK OF THE COURT: Defense document 2761 will
22 receive exhibit No. 3507.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3507 and received in evidence.)

1 MR. SHIMANOUCI: I read court exhibit 3507,
2 omitting the formal parts.

3 "1. I was appointed in September 1940
4 Naval Attache to the Japanese Embassy in Germany and
5 went to Berlin via Siberia. At that time I was a
6 captain in the navy. I was promoted in November 1940
7 to rear admiral and stayed in Berlin until October
8 1943 when I left for Japan.

9 "2. In or about February or March 1943
10 Vice Admiral NOMURA and I learned from Ambassador
11 OSHIMA of an offer of Hitler to transfer two submarines
12 to Japan for the purpose of a study by the Japanese
13 navy. Ambassador OSHIMA told us that no conditions
14 were attached to this offer. Thereafter, a telegraphic
15 instruction was received by Vice Admiral NOMURA from
16 the central naval authorities in Tokyo to the effect
17 that the Japanese navy was very much pleased to accept
18 this offer. Ambassador OSHIMA, upon our request, saw
19 Foreign Minister Ribbentrop and conveyed this acceptance
20 by the Japanese navy, and we understood that no special
21 conditions were attached by the German side also on
22 this occasion. The practical procedure of transfer
23 was thereafter completed between the Japanese and the
24 German navies, and during these negotiations also no
25 strings were attached to the matter.

1 "3. In connection with this transfer of
2 submarines I never heard from Ambassador OSHIMA, nor
3 from the German side or anybody else about attacking
4 or annihilating crews of torpedoed merchant ships.

5 "I might add that I never heard from Ambassador
6 OSHIMA, nor from anybody else, that Germany adopted
7 the policy of attacking or annihilating crews of
8 merchant ships torpedoed by submarines.

9 "YOKOI, Tadao."

10 I forgot to state that in the fourth line of
11 paragraph 1, November 1940 should read November 1942.
12 This is a typographical error in the English text,
13 and the Japanese original states 1942.

14 With the permission of the Tribunal, I
15 should like to conduct a few additional direct examina-
16 tion.

17 ACTING PRESIDENT: Proceed.

18 Q About the end of November 1941, or about the
19 beginning of December of the same year, was OSHIMA
20 in Berlin or was he in some other place?

21 A Towards the end of November Ambassador OSHIMA
22 left Berlin for Vienna, together with other members of
23 the embassy, to attend the Mozart Festival.

24 Mr. SHIMANOCHI: I have no other question
25 in direct. The prosecution may cross-examine the witness.

ACTING PRESIDENT: Mr. Tavenner.

CROSS-EXAMINATION

1 BY MR. TAVENNER:

2 Q Mr. YOKOI, at the time of the transaction
3 relating to the delivery of the two German submarines
4 to Japan were you, as a naval military attache, a
5 member of the joint military commission in Berlin
6 established under the provisions of the Tripartite Pact?

7 A Yes.

8 Q Vice Admiral NOMURA, who was also a member of
9 the commission, and you arranged the details for the
10 transfer of the two submarines, is that not true?

11 A We consulted with the German Navy in regard to
12 the details.

13 Q Did this military commission frequently
14 discuss formally or informally the problems relating
15 to the transfer of the submarines and other military
16 matters?

17 A This matter was not settled by the military
18 commission.

19 Q But the two of you who were on the military
20 commission did confer regarding the matter?

21 A We did consult on the matter but Vice Admiral
22 NOMURA consulted on this matter in his capacity as the
23 highest naval representative in Berlin and I in my
24 capacity as naval attache.
25

1 Q You and Admiral NOMURA who were members of this
2 commission, did you meet frequently and discuss military
3 matters as a commission?

4 A No, we did not consult on military matters.

5 Q Well, certainly military matters must have been
6 discussed between the two participating powers under
7 the Tripartite Pact. Do you mean to say that the com-
8 mission, military commission, established for the purpose
9 of discussing military matters did not meet and discuss
10 them?

11 MR. SHIMANOCHI: I object to this question on
12 the ground that this, the present affidavit, does not
13 contain anything in connection with the Tripartite Pact.
14 Accordingly the question of the prosecutor is outside
15 the scope of the affidavit.

16 ACTING PRESIDENT: Objection overruled.

17 MR. TAVENNER: Please answer the question.

18 A That may have been the purpose of the mixed
19 commission but what I am telling you is that actually
20 no such discussions were held.

21 Q Now, do you mean your commission did not dis-
22 cuss military matters?

23 A I have no recollection of ever having discussed
24 military matters -- I have no recollection that it ever
25 discussed --

1 Q Well, why was it that your military commission
2 established under the Tripartite Pact did not discuss
3 military matters?

4 A I don't know the reason.

5 Q Let me see if I can refresh your recollection.
6 Did not your military commission fail to function because
7 as a matter of fact an informal commission composed of
8 Ribbentrop and OSHIMA took over the functions of your
9 committee and military matters were thus settled in
10 the main on a higher level? Isn't that true?

11 A No, that isn't true.

12 Q Do you not recall appearing at room 618, Meiji
13 Building, on the 25th day of March 1946, at which time
14 you were interrogated by Lieutenant F. E. Kennamer, Jr.,
15 and Lieutenant A. E. Klauser served as interpreter, at
16 which time you told Lieutenant Kennamer in substance as
17 follows: "Another reason that the joint military com-
18 mission did not function effectively was that an un-
19 official commission which consisted of Foreign Minister
20 Ribbentrop and General OSHIMA, the Japanese ambassador
21 to Germany, was established. Ribbentrop and OSHIMA con-
22 ferred in respect to military measures and with these
23 conferences proceeding on the level of the German Foreign
24 Office it was difficult for the subordinate military
25 commission to carry out its functions."

1 Did you or did you not make that statement?

2 A I think I said something to that effect.

3 Q In March 1934 did not Ribbentrop request
4 OSHIMA to communicate to the Japanese Government the
5 German desire that submarine warfare in the Indian
6 Ocean be intensified?

7 A I did not hear that he had demanded that of
8 the government but I did hear that he had expressed
9 such desires to the government.

10 MR. TAVENNER: No further questions, if the
11 Tribunal please.

12 MR. SHIMANOUCI: No redirect. May the witness
13 be released on the usual terms?

14 ACTING PRESIDENT: He will be so released.

15 (Whereupon, the witness was excused.)
16

17 - - -

18 MR. SHIMANOUCI, Mr. Cunningham will continue
19 with the presentation of the defense.

20 MR. CUNNINGHAM: We now call to the witness
21 stand the accused OSHIMA, Hiroshi, who will testify
22 through defense document 2862.
23
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1 H I R O S H I O S H I M A, an accused, being first
2 duly sworn, testified through Japanese interpreters
3 as follows:

4 DIRECT EXAMINATION

5 BY MR. CUNNINGHAM:

6 Q I ask that you state your name.

7 A OSHIMA, Hiroshi.

8 MR. CUNNINGHAM: I ask that the witness be
9 shown defense document 2862.

10 (Whereupon, a document was handed
11 to the witness.)

12 Q You have been handed defense document 2862.
13 I ask if that is your affidavit.

14 A This is my affidavit.

15 Q And are all the statements contained therein
16 true?

17 A They are all true.

18 MR. CUNNINGHAM: I offer in evidence defense
19 document 2862.

20 ACTING PRESIDENT: It will be admitted in
21 evidence.

22 CLERK OF THE COURT: Defense document 2862 will
23 receive exhibit No. 3508.

24 (Whereupon, the document above referred
25 to was marked defense exhibit No. 3508 and re-
ceived in evidence.)

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1 MR. CUNNINGHAM: I will read in evidence
2 exhibit 3508, the affidavit of OSHIMA, Hiroshi:

3 "1. MY MILITARY CAREER.

4 "I was born in 1886. I entered the
5 Military Preparatory School at the age of thirteen,
6 and, after graduating from the Military Academy, was
7 appointed in 1906 2d Lieutenant of the artillery
8 branch of the army.

9 "In 1921 while I was a Captain I was
10 appointed Assistant Military Attache and went to
11 Berlin. After my return home in 1925 I was successive-
12 ly a battalion and regimental commander, an instructor
13 of the Army Heavy Artillery School, and a member of
14 the Inspectorate-General of Military Training of the
15 Army. During this period I was mostly concerned
16 with educational matters. From August 1931 until
17 the spring of 1934 I was Chief of the Third Section
18 of the General Staff with the rank of Colonel, and
19 was in charge of internal defense matters including
20 the fortifications and the anti-aircraft defense. I
21 was then appointed Military Attache of the Japanese
22 Embassy in Berlin. Having been appointed Ambassador
23 to Germany, I resigned my commission and left the
24 army in October 1938. I was then a Lieutenant General.

25 "While I was in the army I never belonged

1 to any clique, though I do not know if there was any
2 such thing in existence.

3 "2. MY RELATIONS WITH GERMANY.

4 "1) In October 1921 I went for the first
5 time to Germany as an Assistant Military Attache, and
6 stayed in Berlin until February 1923, when I was
7 appointed Military Attache in Vienna, Austria.
8 Germany at that time was in the middle of depression
9 and confusion after her defeat, and I got an unfavor-
10 able impression politically, economically, and
11 militarily of the country.

12 "When I went back to Berlin in May 1934 as
13 the Military Attache of the Embassy, just one and
14 half years after Hitler had come to power, I found
15 that everything in Germany had changed and had
16 considerably improved, compared to the time of my
17 last sojourn. I felt that there were things in the
18 new Germany which were worthy of serious consideration.

19 "As Military Attache it was my duty to gather
20 information and make reports to the General Staff in
21 Tokyo concerning military matters, and in the dis-
22 charge of that duty I naturally came in contact with
23 leading members of the German army and air force.
24 With the exception of Ribbentrop, with whom I became
25 acquainted through the preliminary contact for the

1 Anti-Comintern Pact, my contact was generally with
2 German military leaders, among whom may be mentioned
3 General Fritsch, well known for his anti-Nazi
4 tendency, and General Beck and Admiral Canaris, who
5 were both executed on account of their participation
6 in the affair of July 20, 1944.

7 "2) During my two tours as Ambassador, I
8 found that the bulk of my time and energy had to be
9 devoted to matters such as culture, trade, protec-
10 tion of the Japanese nationals, etc., purely diplo-
11 matic contact with the German Government being only
12 a small fraction of the business of the Embassy.
13 My direct approach to the German Government was
14 naturally through Foreign Minister Ribbentrop. But
15 Ribbentrop was very often absent from Berlin, especial-
16 ly after the war had begun because he had to stay with
17 Hitler in the German General Headquarters, and the
18 location of the headquarters changed from time to
19 time. I met Ribbentrop no more than five or six
20 times a year. I met Hitler usually only upon his
21 request, and that was possibly two or three times a
22 year.
23

24 "With Nazi leaders other than Hitler and
25 Ribbentrop, I met only on ceremonial occasions or at
social parties, and had no official relations with

1 them. The German Foreign Office extremely dis-
2 liked the foreign ambassadors and ministers making
3 direct contacts with German leaders other than the
4 Foreign Minister, or with branches of the govern-
5 ment other than the Foreign Ministry. Ribbentrop
6 having made his wishes in the matter quite clear to
7 me, I was careful not to go over his head or that of
8 his ministry.

9 "3) There was the Anti-Comintern Pact in
10 existence during my first ambassadorship, and the
11 Tripartite Pact was already in effect prior to my
12 second sojourn in Berlin. As the Japanese Ambassador
13 to Germany I felt in duty bound to concentrate my
14 endeavors on the maintenance and improvement of
15 Japanese-German relations in the spirit of these
16 agreements. I did my best to live up to this con-
17 viction, always acting in line of the policy of the
18 home government then in power. For that purpose, I
19 tried to maintain as close a relationship as possible
20 with Hitler, Ribbentrop and others who happened to
21 be the German leaders, in order to make myself an
22 effective channel for smooth exchange of views be-
23 tween Japan and Germany. I never approved the Nazi
24 ideology or policy as a whole. Particularly I had
25 no sympathy with the race theory of the Nazis, their

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2 liked the foreign ambassadors and ministers making
3 direct contacts with German leaders other than the
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20 with Hitler, Ribbentrop and others who happened to
21 be the German leaders, in order to make myself an
22 effective channel for smooth exchange of views be-
23 tween Japan and Germany. I never approved the Nazi
24 ideology or policy as a whole. Particularly I had
25 no sympathy with the race theory of the Nazis, their

1 anti-Jewish and anti-Christian policy. I also
2 disapproved of their method of administration in
3 the territories occupied during the war. Diplomatic
4 decorum and discretion prevented me from expressing
5 my views openly, but I think that they were suffi-
6 ciently understood by the Japanese and Germans with
7 whom I had dealings.

8 "4) As to the cultural relations between
9 Japan and Germany the Japanese-German Cultural
10 Agreement was concluded in 1938. Works of German
11 philosophy, natural science and music were extensively
12 imported to Japan for many years prior to my time.
13 I thought that the exchange of culture between Japan
14 and Germany would benefit both nations, although I
15 did not agree with many features of the cultural
16 policy of the National Socialist Party. I supported
17 the enterprises of the Japanese-German Cultural
18 Society, and attended as often as possible cultural
19 gatherings in various places in Germany; a consider-
20 able part of my time as ambassador was occupied with
21 these enterprises.
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24
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17 Society, and attended as often as possible cultural
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19 able part of my time as ambassador was occupied with
20 these enterprises.
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1 "3. CONCERNING THE DOCUMENTS TENDERED BY
2 THE PROSECUTION AS EVIDENCE.

3 "1) The prosecution quoted extensively from
4 my interrogations. These were conducted and recorded
5 in English. As I practically have no knowledge of the
6 English language and was entirely dependent upon inter-
7 preters, it was inevitable that some difficulties of
8 understanding each other or some misunderstandings or
9 misinterpretations occurred. This I found out later.
10 Some of the more important examples thereof will be
11 pointed out later.

12 "2) Next I should like to state concerning
13 the German documents as follows:

14 "a) The prosecution tendered many German
15 documents concerning my conversations with Hitler,
16 Ribbentrop and other Germans. These conversations were
17 conducted always in German, of course without inter-
18 preter. At my conversations with Hitler, Ribbentrop
19 was always present. Stahmer or his successor was some-
20 times present at my interviews with Ribbentrop. There
21 was, however, no stenographer or recorder present. The
22 records of those conversations must have been made
23 afterwards from memory, some of them even several days
24 after the conversations. Therefore, they cannot always
25 be accurate.

1 "With respect to the documents concerning my
2 conversation with Ribbentrop I find that they were
3 generally compiled in a one-sided vein favourable for
4 Ribbentrop. Sometimes it is even stated that I agreed
5 with him on certain matters while actually these matters
6 were only talked about in the course of our conversa-
7 tions and I expressed no opinion thereon. I think this
8 was because Ribbentrop had many enemies in the German
9 Government as well as within the German military circles,
10 and in distributing these documents to such people he
11 had to resort to this sort of internal-political
12 maneuvering in order to show the success of the pro-
13 Japanese policy initiated by him. Concrete examples
14 will be given later.

15 "b) I knew well that it was only Hitler and
16 Ribbentrop who decided the German foreign policy, and
17 that it was therefore of no use to talk to their sub-
18 ordinates. I always talked over important matters either
19 directly with them or through the liaison man, Stahmer
20 or his successor, in case Ribbentrop was absent from
21 Berlin. I met very seldom other officials of the
22 German Foreign Office except on social occasions. I
23 talked over routine matters with them, but rarely.

24 "In the records prepared by such people as
25 Weizsaecker, Erdmannsdorf, etc., on my conversations

1 with them, which are now in exhibit in this trial, there
2 are many matters of which I have no recollection. They
3 evidently drafted these documents, adding much to my
4 informal chats and putting them in such a form as to
5 make it appear as if they had important talks with me,
6 and then presented them to Ribbentrop. I find several
7 matters in these documents of which they must have
8 obtained information from other sources.

9 "c) Many telegrams or reports signed by
10 Ambassador Ott were tendered, some of them referring
11 to me.

12 "I first made acquaintance of Ott in April
13 1934, prior to my going to Germany as Military Attache,
14 when Ott arrived in Tokyo as the Military Attache of the
15 German Embassy. Ott paid me a courtesy visit at that
16 time. Thereafter, we were separated because I was in
17 Berlin while he was in Tokyo. I had a personal contact
18 with him during my stay in Tokyo between December 1939
19 and January 1941, when I left Japan for my second am-
20 bassadorial tour of duty. We had sometimes informal
21 chats about matters concerning Japan and Germany. I
22 never considered them seriously as I was completely
23 retired from the public life at that time, did not
24 know the view of the government, and also had no
25 inside information to give. I am much surprised that

1 my name was often cited in the telegrams of Ambassador
2 Ott.

3 "4. MANCHURIAN INCIDENT.

4 "I was from August 1931 until March 1934 the
5 Chief of the Third Section of the General Staff. As
6 my post was in charge of such purely internal defense
7 matters as the fortifications and the anti-aircraft
8 defense, I had no connection with the Manchurian Inci-
9 dent or with the problem of Manchukuo. This situation
10 continued also after I became the Military Attache in
11 Berlin in March 1934.

12 "5. MY APPOINTMENT TO MILITARY ATTACHE.

13 "1) In March 1934 I was appointed Military
14 Attache of the Japanese Embassy in Germany and arrived
15 in Berlin in May of the year. As to the circumstances
16 of my appointment I heard that I was chosen because I
17 spoke the German language well and had some knowledge
18 of Germany as a result of my previous stay in that
19 country. The Chief of the General Staff at the time
20 of my appointment was Prince KAN-IN, and General UEDA,
21 Kenkichi, was the Deputy Chief of the General Staff.

22 "Prior to my departure from Tokyo I received
23 orally through General UEDA instructions of the Chief
24 of the General Staff concerning my duty in Germany. I
25 was ordered to watch and investigate, among other things,

1 the stability of the Nazi regime, the future of the
2 German army, relations between Germany and Russia, and
3 particularly between the armies of the two countries.
4 I was further instructed to collect information and
5 report on Soviet Russia.

6 "2) According to the Japanese system the
7 Military Attache belonged directly under the Chief of
8 the General Staff, and was not subordinate to the
9 Ambassador (defense document No. 2855)" which I now
10 offer in evidence. I will read the document after I
11 complete the statement.

12 ACTING PRESIDENT: It will be admitted in
13 evidence.

14 CLERK OF THE COURT: Defense document 2855
15 will receive exhibit No. 3509.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 3509 and received in evidence.)

19 MR. CUNNINGHAM: (Continuing) "He carried
20 out his duties solely in accordance with instructions
21 of the Chief of the General Staff, and reported or sent
22 information directly to him instead of going through
23 the Ambassador.

24 "6. ANTI-COMINTERN PACT.

25 "1) Concerning my contacts with Ribbentrop

1 prior to the negotiations for the Anti-Comintern Pact
2 which was concluded between Japan and Germany in 1936
3 the prosecution offered parts of my interrogation as
4 exhibits 477 and 478, transcript pages 5913-5916 and
5 5917-5918. I should like to point out regarding this
6 matter that the contacts I had with Ribbentrop and Hack
7 as narrated here were for the sole purpose of collect-
8 ing information. This was one of my main duties as
9 Military Attache. They were nothing in the nature of
10 diplomatic negotiations. When I met him in 1935,
11 Ribbentrop had the title of Ambassador unattached.
12 Hack was a salesbroker of arms for foreign countries
13 who had been visiting the office of the Japanese Military
14 Attache in Berlin long before my arrival.

15 "2a) In exhibit 478, transcript pages 5917-
16 5918, it is made to appear that, in answer to the ques-
17 tion 'Are they (the Japanese Military and Naval Attaches)
18 authorized by virtue of their position as military
19 attache to enter into negotiations with the military
20 of another nation, looking towards a pact or a treaty
21 or an international agreement between the two nations?'
22 I stated: 'Yes, if it was a strictly military matter
23 they may discuss these matters without going through
24 the Ambassador.' I should like to state the following
25 in order to clarify this point:

1 "The Japanese Military (or Naval) Attache is
2 authorized to negotiate for and conclude purely mili-
3 tary agreements with the military of the country of
4 his residence. In this case, no participation of the
5 Ambassador is tolerated, according to the Japanese
6 system of law. As to other matters, the Military
7 Attache can only send information to the General Staff,
8 but is not authorized to negotiate with the government
9 of the country of his residence.

10 "b) In the same exhibit 478 it is made to
11 appear also that I stated that 'that is quite true that
12 the army had enough power to very probably sell the
13 pact to the Japanese Government,' and that 'I would
14 say that no treaty could possibly have been made on
15 this if the army had not wished it.' But I have no
16 recollection of stating such things. I only said as
17 to the reason why Ribbentrop approached me, the Military
18 Attache, that he might have thought that the Japanese
19 army was most interested for such a matter in view of
20 the general situation at the time. This statement must
21 have been misunderstood.
22

23 "3) After I had reported on the desire of
24 Ribbentrop to the General Staff in Tokyo, Lieutenant
25 Colonel WAKAMATSU was dispatched to find out the views
of the German Government and the German army firsthand.

He arrived in Berlin at the end of November 1935.

1 I took him to Ribbentrop and General Blomberg, German
2 Minister of Defense. In this interview Ribbentrop
3 proposed conclusion of an Anti-Comintern Pact, on the
4 ground that the Seventh Congress of the Communist
5 International in Moscow of that year brought out a reso-
6 lution to the effect that Japan and Germany were its
7 primary enemies, and that Japan and Germany had common
8 interests to defend themselves against destructive
9 activities of the Comintern. I expressed no opinion
10 to this proposal. Lieutenant Colonel WAKAMATSU left
11 Berlin with this information in December 1935, and
12 arrived in Tokyo at the end of January 1936.

14 "4) At that time, Ambassador MUSHAKOJI was
15 on leave in Tokyo. He returned to Berlin at the end
16 of April 1936, after the main points in this matter
17 had been decided upon in Tokyo. Thereafter, negotia-
18 tions were conducted by MUSHAKOJI with Ribbentrop in
19 accordance with instructions of the government, and
20 the Anti-Comintern Pact and the Secret Agreement with
21 Germany were concluded.

22 "5a) Concerning the purpose of the Japanese
23 Government in concluding the Anti-Comintern Pact and
24 the Secret Agreement with Germany my understanding was
25 as follows:

1 "First: Inasmuch as Japan was internationally
2 isolated after the Manchurian Incident, it was desirable
3 to remove that uneasy feeling by finding some ally or
4 allies;

5 "Secondly: -Since the destructive activities
6 of the Comintern were rampant in Europe and in Asia
7 at the time, eating into the internal structure of
8 nations as seen in the Spanish civil war and the com-
9 munist rebellion in China, it was felt advisable that
10 as many nations as possible should join hands and take
11 countermeasures; this was especially necessary for
12 Japan in view of the resolution of the Seventh Congress
13 of the Comintern in Moscow in 1935 which declared Japan
14 and Germany as its primary enemies; and

15 "Thirdly: Japan was keenly feeling pressure
16 from Soviet Russia at the time. Russia had developed
17 her heavy industries by the Five-Year Plan and had
18 increased her armament to a great extent. She had
19 considerably reinforced her army in the Far East.

20 "Therefore, Japan wanted to come to a political
21 agreement with Germany which was similarly situated
22 vis-a-vis Soviet Russia, in order thus to make her posi-
23 tion more secure against the Russian pressure.
24
25

"With this purpose of the Pact as understood by me I was in complete agreement.

"b) The prosecution alleges that the Anti-Comintern Pact and the Secret Agreement were the forerunners of the Tripartite Pact of September 1940; that they were aggressive agreements directed against the whole democratic countries and were particularly used in the aggression against China. I never heard that the Japanese Government and the army ever had such thoughts in connection with the conclusion of these agreements, nor had I such thoughts myself. I believed that the Anti-Comintern Pact was an ideological pact against the spread of communism, and the Secret Agreement was of a very passive nature only stipulating as it does that Japan or Germany would not carry out any measures which would, in their effect, be apt to relieve the position of Soviet Russia in case one of the two countries was attacked by her unprovokedly. The text clearly shows this. I also did not dream of the outbreak of the China Incident at the time of the conclusion of these agreements.

1 "8. HIMMLER'S MEMORANDUM.

2 "1) The prosecution exhibit 489, Himmler's
3 memorandum, transcript pages 6,026-6,028, says that
4 Himmler visited me on 31 January 1939 and talked
5 with me concerning counter-intelligence activities
6 against Soviet Russia. But Himmler never visited me
7 at that time. I cannot remember seeing him then,
8 however hard I try to refresh my memory.

9 "During my ten years' stay in Germany, I
10 had no special relations with Himmler either privately
11 or officially. Only twice I received visits from
12 him; namely, in the winter of 1936, when an official
13 of the Japanese Home Office came to Germany in order
14 to study measures for controlling communism, and I
15 invited Himmler to a dinner party to solicit his
16 assistance. This was done on behalf of this Japanese
17 official. The other occasion was in March 1941, when
18 I went to Germany as Ambassador for the second time,
19 and Himmler visited me to return my courtesy call.

20 "Concerning the matters enumerated in this
21 memorandum of Himmler I should like to explain as
22 follows:
23

24 "2). In or about June 1937 while I was the
25 Military Attache my office in Berlin began, in accord-
ance with instructions of the Chief of the General

1 "7. CHINA INCIDENT.

2 "The outbreak of the China Incident in
3 July 1937 was a complete surprise to me. I had been
4 in Berlin as Military Attache since the Spring of
5 1934 and was completely out of touch with the China
6 problem. I learned by telegrams from the General
7 Staff after the outbreak of the incident of the
8 non-aggravation and non-extension policy of the
9 Japanese Government and the central army authorities,
10 and believed that it would soon be settled locally.

11 "It became gradually clear that it would not
12 be settled quickly, and I was much concerned that
13 the position of Japan would be endangered in the
14 face of the Soviet armament in the Far East. At
15 the end of December 1937 I received an instruction
16 from the General Staff to request the German army
17 that peace be offered to Chiang-Kai-Shek through
18 General Falkenhausen who was in China as the military
19 advisor to the Chinese Government. I approached
20 the German army at once. General Keitel, Chief of
21 OKW, agreed, and he initiated some action to that
22 end. This attempt at peace did not materialize and
23 had to be abandoned when the efforts of mediation
24 by Ambassador Trautmann were terminated.
25

1 Staff, to study the question of using White Russians
2 in Berlin in order to collect information about Soviet
3 Russia, and for propaganda and counter-intelligence
4 purposes in case of war between Japan and Russia.
5 This task was entrusted to Lt. Col. USUI, and after
6 him to Col. MANAKI, of my staff. They were experts
7 on Russian matters. In its very nature it was a
8 fairly special service. Their office was separated
9 from mine, the expenditure account was also separated,
10 and in the General Staff Office in Tokyo, the section
11 in charge of this service was different from the
12 section which handled general matters concerning
13 Military Attaches. My function was only to super-
14 vise rather than to direct it, although, since I
15 received reports on more important matters, the final
16 responsibility for the service rested with me. The
17 instructions of the Chief of the General Staff con-
18 cerning the counter-intelligence were to the effect
19 that this matter was only to be studied in considera-
20 tion of war time, and not in any way to be executed
21 in peace time.
22

23 "There was an understanding between the armies
24 of Japan and Germany to collaborate concerning this
25 matter. On the German side it was exclusively
handled by the counter-intelligence section of the

1 Staff, to study the question of using White Russians
2 in Berlin in order to collect information about Soviet
3 Russia, and for propaganda and counter-intelligence
4 purposes in case of war between Japan and Russia.
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21 in peace time.
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23 "There was an understanding between the armies
24 of Japan and Germany to collaborate concerning this
25 matter. On the German side it was exclusively
handled by the counter-intelligence section of the

1 Defense Ministry whose chief was Navy Captain (later
2 Admiral) Canaris, and, as I heard at the time, was
3 kept strictly secret even within the Ministry
4 itself.

5 "Himmler was not concerned with counter-
6 intelligence service. He and Canaris were on extremely
7 bad terms. Therefore, neither I, nor other Japanese
8 officers ever talked with Himmler or his subordinates
9 about this matter. I heard that Canaris was strangled
10 to death by wire by Himmler's subordinates in the last
11 stage of this war.

12 "I never concerned myself with the counter-
13 intelligence business after I became Ambassador.

14 "3) I received reports from Lt. Col. USUI
15 that he bought some real estate at Falkensee in the
16 suburb of Berlin and kept there White Russians who
17 were engaged in a small-scale printing of anti-Soviet
18 pamphlets, but I knew nothing more than that. I myself
19 never visited the place.

20 "4) I never knew, nor heard, the story of
21 sending anti-Russian pamphlets into Soviet Russia by
22 balloons from Poland. In order to carry out such a
23 program, it would have been necessary to secure collab-
24 oration of the Polish Government, but I never heard
25 that such talks were conducted between Japan and Poland,

1 nor thought that the Japanese-Polish relations at
2 that time were so cordial as to render possible such
3 collaboration.

4 "5) I also do not know, nor have I ever heard,
5 of the story of buying motor-boats in order to send
6 pamphlets into Crimea from Roumania across the Black
7 Sea. I never thought it possible to cross the Black
8 Sea in motor-boats. In order to carry out this,
9 collaboration of the Roumanian authorities would
10 have been necessary. I did not think that the
11 Japanese-Roumanian relations were so cordial as to
12 permit such talks.

13 "6) As to the story of sending ten Russians
14 with bombs into Soviet Russia in order to assassinate
15 Stalin, I could not even think of it. Such a conten-
16 tion is most fantastic and ridiculous. I could never
17 have thought of such scheme as of sending ten people
18 with bombs into Soviet Russia, as they would surely
19 have been arrested, the plot discovered, and the
20 result would have been most grave and destructive
21 of the Japanese-Russian relations."

22 Do you wish to stop there, Sir?

23 ACTING PRESIDENT: We shall now adjourn until
24 9:30 tomorrow morning.
25

OSHIMA

DIRECT

33,995

(Whereupon, at 1600, an adjournment
was taken until Wednesday, 26 November 1947,
at 0930.)

- - -